

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 9, 2011

ATTENTION: Land Use and Housing Committee
Agenda of November 16, 2011

SUBJECT: Nakano Reorganization. Project No. 73404.
Council District 8. Report Pursuant to AR 50.20.

REFERENCES: 1. Council Policy 600-01: Annexations by City.
2. AR 50.20: Annexation, Reorganization, and Change of
Organization Procedures.
3. General Plan: Land Use and Community Planning Element/ K.
Annexations and Reorganizations LU-43.

REQUESTED ACTION: Recommend that the Land Use and Housing Committee accept the report on the Nakano Reorganization proposal in accordance with Administrative Regulation 50.20, Annexation, Reorganization, and Change of Organization Procedures.

SUMMARY:

Pardee Homes, the owner and applicant for the proposed Nakano project, has requested a reorganization to, among other changes, annex a vacant 23.8 acre property from the City of Chula Vista to the City of San Diego. A "Reorganization" with the Local Agency Formation Commission (LAFCO) involves two or more changes of organization initiated in a single proposal. A change of organization can include a variety of actions to a City or District such as incorporation, formation, annexation, detachment, disincorporation, dissolution, consolidation, or merging. A "Sphere of Influence" is a plan for the probable physical boundaries and service area of a local agency. The Nakano Reorganization project contemplates the following changes in organization: Amendment to the City of San Diego Sphere of Influence Boundary; Amendment to the City of Chula Vista Sphere of Influence Boundary; Amendment to the Otay Water District Sphere of Influence Boundary; Detachment of the Nakano Property from the City of Chula Vista; Detachment of the Nakano Property from the Otay Water District; and Annexation of the Nakano Property to the City of San Diego.

The Nakano project proposes grading and construction of public improvements, and rough grading for a future neighborhood park and institutional use. The project would implement the intent of the Otay Valley Regional Park (OVRP) Concept Plan between the County of

San Diego and the Cities of Chula Vista and San Diego to create a public recreational area and trail system connecting to the OVRP.

The Nakano Reorganization is a "3 Step" process: First, the City of San Diego entitlements; Second, an Application to LAFCO for a Reorganization to the City of San Diego; and Third, back to San Diego for final discretionary and ministerial approvals to allow construction. The City of San Diego is the lead agency for the LAFCO process. As lead agency the City of San Diego is to work with affected property owners, process rezoning, entitlements, environmental review, and submit the Resolution of Application package to LAFCO for the Nakano Reorganization. The City of Chula Vista is a responsible agency for the LAFCO process.

City Council approval of the project would allow the City of San Diego to request that LAFCO take proceedings for the Nakano Reorganization on behalf of Pardee Homes, and amend the City of San Diego Sphere of Influence boundary. The future application to LAFCO and related costs will be paid by Pardee Homes. The approval of the Nakano Reorganization is conditioned upon LAFCO's approval. If LAFCO does not approve the Nakano Reorganization prior to the expiration date of the City approvals, including any Extensions of Time, then the City approvals shall become null and void. The City boundary map would be changed only upon the effective date of LAFCO approval of the Nakano Reorganization. After the effective date of the Nakano Reorganization, then Pardee Homes may apply for the subsequent discretionary and ministerial actions that would allow grading and construction on the Nakano site.

BACKGROUND:

The Nakano Reorganization project is a request to annex a 23.8 acre site currently within the boundaries of the City of Chula Vista, into the City of San Diego for park, open space, and institutional land uses. The property is located on the east side of I-805, northwest of Dennery Road and south of the Otay River in the City of Chula Vista Agricultural Zone A-8. The City of Chula Vista zone allows for single-family residences, agricultural uses and accessory uses including stables and noncommercial recreational facilities. The project is currently designated as Open Space by the City of Chula Vista General Plan. The immediate surrounding areas within the City of Chula Vista are also designated as Open Space. The site has been utilized for agricultural uses from as early as 1928 to approximately 2005, though the site is currently vacant today. A residence previously existed on-site as part of the agricultural use. The site was previously accessed from the north where a road crossed the parcel to the north and then crossed the Otay River into the City of Chula Vista. Today the site does not have access to the City of Chula Vista, and the site is vacant land containing building foundations and dirt roads.

The majority of the northern two thirds of the Nakano site are relatively flat, while the southern one third of the site is a slope descending approximately 60 feet to the flat area. On-site elevations range from approximately 97 feet above mean sea level in the northern portion of the property to approximately 180 feet in the southern area. The Otay River is located approximately 340 feet north of the northwestern corner of the site and 570 feet north of the northeastern corner of the site. The project site is above the 100 year floodplain. However a portion of the site is located within the FEMA 500-year floodplain

along the northern site boundary. The 500 year floodplain is in the area of the permanent detention basin and within the setback area from the property line that does not allow buildings. The project is not within or directly adjacent to the Multiple Species Conservation Program (MSCP), Multiple Habitat Planning Area (MHPA). The project is located in or adjacent to Environmentally Sensitive Lands (ESL) for Steep Hillside, and Sensitive Biological Resources which include Wetlands. Steep Hillside and Sensitive Biological Resources are located in the southern slope area of the site. Wetlands are located in the southeastern portion of the site. Surrounding land uses include multi-family homes to the east, medical offices to the south, I-805 to the west and a vacant parcel to the north.

The OVRP covers approximately 11 miles of the Otay River Valley, extending from San Diego Bay to Upper Otay Lake. The Nakano property is mapped within the OVRP area as Recreation Area #8, designated as the segment between Interstate 805 and Heritage Road. The Nakano project was proposed by Pardee Homes to meet the City of San Diego and City of Chula Vista's desire to reorganize territory for the benefit of the OVRP. The history of this request can be traced back to the City of San Diego, City of Chula Vista, and the County of San Diego execution of a Joint Exercise of Powers Agreement (JEPA) on January 30, 1990, and again on July 5, 2006 for coordinated acquisition, planning, operation, and maintenance of the OVRP Planning Area. The JEPA subsequently prepared an OVRP Concept Plan, adopted July 18, 1997 by the OVRP Policy Committee, May 15, 2001 by the City of Chula Vista, April 17, 2001 by the City of San Diego, and May 23, 2001 by the County of San Diego, under which the agencies have been working cooperatively to acquire land for the purpose of park development (San Diego Resolution Nos. 294777 and 294778). In 2002, the cities of San Diego and Chula Vista entered into a non-binding Letter of Intent (LOI) to implement the OVRP Concept Plan (San Diego Resolution No. 296937). The LOI expired in 2003, and a subsequent LOI was adopted in 2004 and expired in 2006 (San Diego Resolution No. 299462). The purpose of the LOI was to memorialize and express the general intent of the City of San Diego and Chula Vista to reorganize the San Diego and Chula Vista jurisdictional boundary within and surrounding the OVRP planning area. The LOI included the subject Nakano property as one of three properties known as the "Nakano-Davies" property. The "Nakano-Davies" property was planned to be detached from the City of Chula Vista and annexed into the City of San Diego to implement the OVRP Concept Plan.

On September 18, 2003, the Planning Commission of the City of San Diego initiated a request from Pardee Homes for a General Plan, Community Plan and Dennery Ranch Precise Plan Amendment to re-designate the Nakano Property to medium-density residential, institutional, population based park, and open space within the City of San Diego. Pardee Homes acquired the 23.8 acre Nakano property on August 16, 2004 for open space, institutional, and population based park uses with a trail head from the park to the OVRP. The OVRP Concept Plan identifies the Nakano site for a public trail access point and recreational uses. Therefore, the Nakano Reorganization project would provide the recreational uses indicated in the OVRP plan and allow an OVRP trail connection to the existing OVRP trail located off-site at the northeastern corner of the Nakano property.

ITEMS THAT WILL REQUIRE FUTURE ACTION BY THE FULL CITY COUNCIL AND OTHER CITY DECISION MAKERS:

PRELIMINARY PROJECT ENTITLEMENTS (STEP 1):

The following entitlements will be processed as part of “Step 1” for the Nakano Reorganization.

1. Certification of EIR. An Environmental Impact Report (EIR) No. 73404 was completed for the Nakano project in accordance with the California Environmental Quality Act (CEQA). Council will be asked at a future hearing to consider the EIR, findings, and Statement of Overriding Considerations. Council will also be asked to consider a Mitigation, Monitoring, and Reporting Program (MMRP) prepared to reduce the potential environmental impacts identified from the environmental review process.
2. Resolution of Application to LAFCO. A Resolution of Application to LAFCO will require City Council approval to initiate proceedings for reorganization with LAFCO. A “Plan for Services” is required by the Government Code to be submitted to LAFCO with the Resolution of Application, and a “Fiscal Impact Analysis” is required by the City’s General Plan to evaluate the City-wide fiscal impact of the proposed annexation to the City. The reports provide the City of San Diego, LAFCO, affected property owners, residents and other interested persons with information regarding existing and proposed local government services and fiscal impacts for the proposed reorganization. The Fiscal Impact Analysis evaluates whether the net effect of annexation and future development is likely to be a positive or negative one to the long-term fiscal well being of the City of San Diego. Therefore, the City Council will also be asked to review the Plan for Services and the Fiscal Impact Analysis in conjunction with its consideration of the Resolution of Application.
3. Prezoning Ordinance. A Prezoning Ordinance will be required which delineates the zoning of territory not yet incorporated into the City of San Diego. The applicant proposes to annex the property into the City of San Diego, and change the zone from the City of Chula Vista Agricultural A-8 Zone to the City of San Diego Residential Multiple Unit RM-3-8 and Open Space Park OP-1-1 Zones. The proposed zoning is for a future church (RM-3-8) and neighborhood park (OP-1-1). The Prezone would need to be initiated by and receive a recommendation from the Planning Commission. The Prezone Ordinance will require City Council approval, and would not be effective until after the effective date of the LAFCO approval of the Nakano Reorganization.
4. Dedication of Parkland Ordinance. An Ordinance dedicating City owned land for a Public Park is required to allow the park in the OP-1-1 Zone. As the land is not currently City owned, the park dedication Ordinance would not be effective until conveyance of the land to the City.

5. General Plan, Community Plan and Precise Plan Amendments. The proposal will require amendments to the City of San Diego General Plan, Otay Mesa Community Plan, and the Dennerly Ranch Precise Plan to include this land and designate the land for 12.3 acres as Park, 3.1 acres as Open Space, and 6.8 acres as Institutional land uses, with the remaining 1.6 acres for a public street. The amendments would be effective only upon annexation of the land.
6. Minor MSCP Subarea Plan Amendment. A minor amendment to the City of San Diego's MSCP Subarea Plan is required to include the Nakano property within the City boundary of the Subarea Plan, which would be effective only upon annexation of the land. The project area is not within a preserve, and is not within the City of San Diego or the City of Chula Vista's MHPA. Therefore, a MHPA boundary line adjustment is not required. The MSCP Subarea Plan guidelines of the cities are sufficiently similar to avoid the need for major amendments to the Take Authorization of the City of San Diego. This minor amendment is only to add the Nakano acreage and project boundary to the City of San Diego's MSCP Subarea Plan.
7. Vesting Tentative Map. A Vesting Tentative Parcel Map will be required to subdivide the 23.8 acre site into two lots, which would be effective only upon annexation of the land. Lot 1 would be 9.9 acres and proposed for a future institutional use with a 3.1 acre covenant of easement for Environmentally Sensitive Lands (ESL). Lot 2 would be a 12.3 acre site proposed for a future 11.0 acre public park. A 12-foot wide public access easement would be provided along the northern portion of Lot 1 to allow the OVRP trail connection from the west to the planned on-site park on Lot 2. Public improvements include construction of Street "A." Street A will connect to the existing off-site portion of Dennerly Road in the City of San Diego. The new public Street "A" will provide access to the Nakano site from the City of San Diego.
8. Site Development Permit. The project requires a Site Development Permit for development on a site with ESL for Steep Hillsides, and Sensitive Biological Resources which includes Wetlands. The Site Development Permit includes encroachment into the required buffers and resources for Steep Hillsides and Sensitive Biological Resources. A 3.1 acre covenant of easement will preserve the majority of the ESL resources in the southern slope area. The Permit would be effective only upon annexation of the land.

LAFCO REORGANIZATION PROCESS (STEP 2):

The City will be required to take future actions as part of "Step 2" for the Nakano Reorganization with LAFCO.

1. Submission of LAFCO Application. The City of San Diego is the lead agency for the LAFCO process. As lead agency, the City of San Diego will submit the Resolution of Application, all the Nakano project entitlements approved in "Step 1," and all other approvals as required by LAFCO. The City of Chula Vista is a responsible agency for the LAFCO process, therefore will also submit a Resolution

of Support, and Resolution to approve a Negotiated Property Tax Exchange Agreement to LAFCO. LAFCO requires this application to include an Agreement approved by both agencies that would be similar to a letter of intent or memorandum of understanding that would acknowledge the expired LOI and the agency's agreements for the Nakano Reorganization.

2. Property Tax Exchange Agreements. The Council would be asked to consider and approve a Negotiated Property Tax Exchange Agreement between the City of San Diego and the City of Chula Vista as well as a Negotiated Property Tax Exchange Agreement between the City of San Diego and the Otay Water District.

If approved by LAFCO, the effective date of the Nakano Reorganization would be after the County Recordation and then after the change is reflected in the property tax roles by the State Board of Equalization. Once the Nakano Reorganization is effective, then the SANGIS and City of San Diego boundary maps will be changed to reflect the new City boundary.

DEVELOPMENT CONSTRUCTION (STEP 3):

After approval of the entitlements by City Council (Step 1), and after the effective date of the Reorganization by LAFCO (Step 2), then the entitlements for the Nakano project would be effective. Step 3 allows Pardee Homes to complete the process for subsequent discretionary and ministerial actions that would allow development on the Nakano site. The anticipated approvals during Step 3 would include:

1. Addition to Maintenance Assessment District. City Council will be asked to take action to add portions of the Nakano property to the Ocean View Hills Maintenance Assessment District.
2. Mass Grading Plan Approvals. Ministerial approval would be required for the Nakano park and church mass Grading Plan.
3. Conditional Use and Site Development Permit. Future discretionary approval from the City would be required for a CUP and SDP to allow a church as an institutional use on the Nakano site including CEQA review.
4. Grading and Building Plans. Future ministerial approval for Grading or Building Plans for uses on the Nakano church and park site.
5. Other Potential Future Actions. City Council could be asked to take action on other potential future actions that could include though may not be limited to: Park Development Agreement with an optional Reimbursement component; and Public Facilities Financing Plan Amendment.

ENVIRONMENTAL ANALYSIS: An Environmental Impact Report (EIR) No. 73404 was completed for the Nakano Reorganization Project in accordance with CEQA. The EIR will be required to be considered and certified prior to approval of the project. However, this report is not an approval of the project. It is merely an informational document setting

forth the future potential actions of the City with regard to the project and in no way commits the City to any future discretionary action on the project.

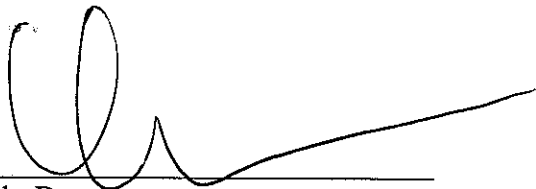
FISCAL CONSIDERATIONS: All staff costs associated with the processing of this project are paid from a deposit account maintained by the owner, Pardee Homes. A Fiscal Impact Analysis report for the annexation and future development on the Nakano property addresses the anticipated long term fiscal well being for the City of San Diego, and will require future review by the full City Council.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

OVRP COMMITTEE RECOMMENDATIONS: The Otay Valley Regional Park Joint Policy Citizens Advisory Committee voted to recommend approval of the project at their meeting on January 24, 2008, by a vote of 2-0-1 with no recommendations.

KEY STAKEHOLDERS:

Owner/Permittee: Pardee Homes, a California Corporation.
Contact: Jimmy Ayala.

A handwritten signature in black ink, appearing to be 'Kelly Broughton', written over a horizontal line.

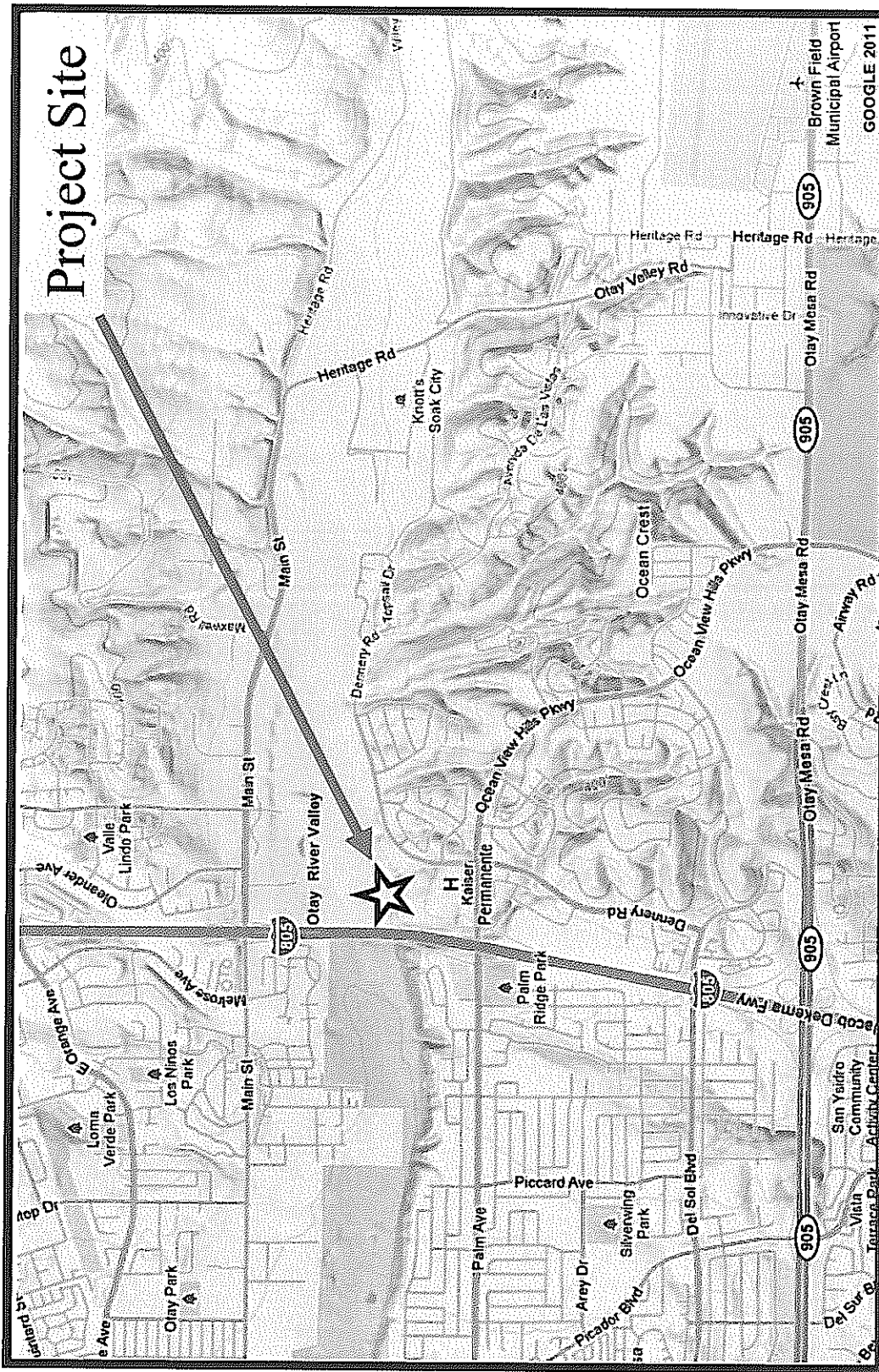
Kelly Broughton
Director, Development Services Department

ATTACHMENTS:

1. Project Location Map
2. Aerial Photograph
3. OVRP Planning Group Recommendation
4. Ownership Disclosure Statement

REFERENCES:

1. Council Policy 600-01
2. AR 50.20
3. General Plan: LU-43
4. OVRP Concept Plan
5. Expired LOI

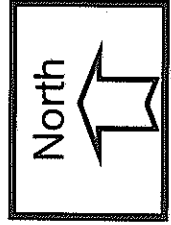
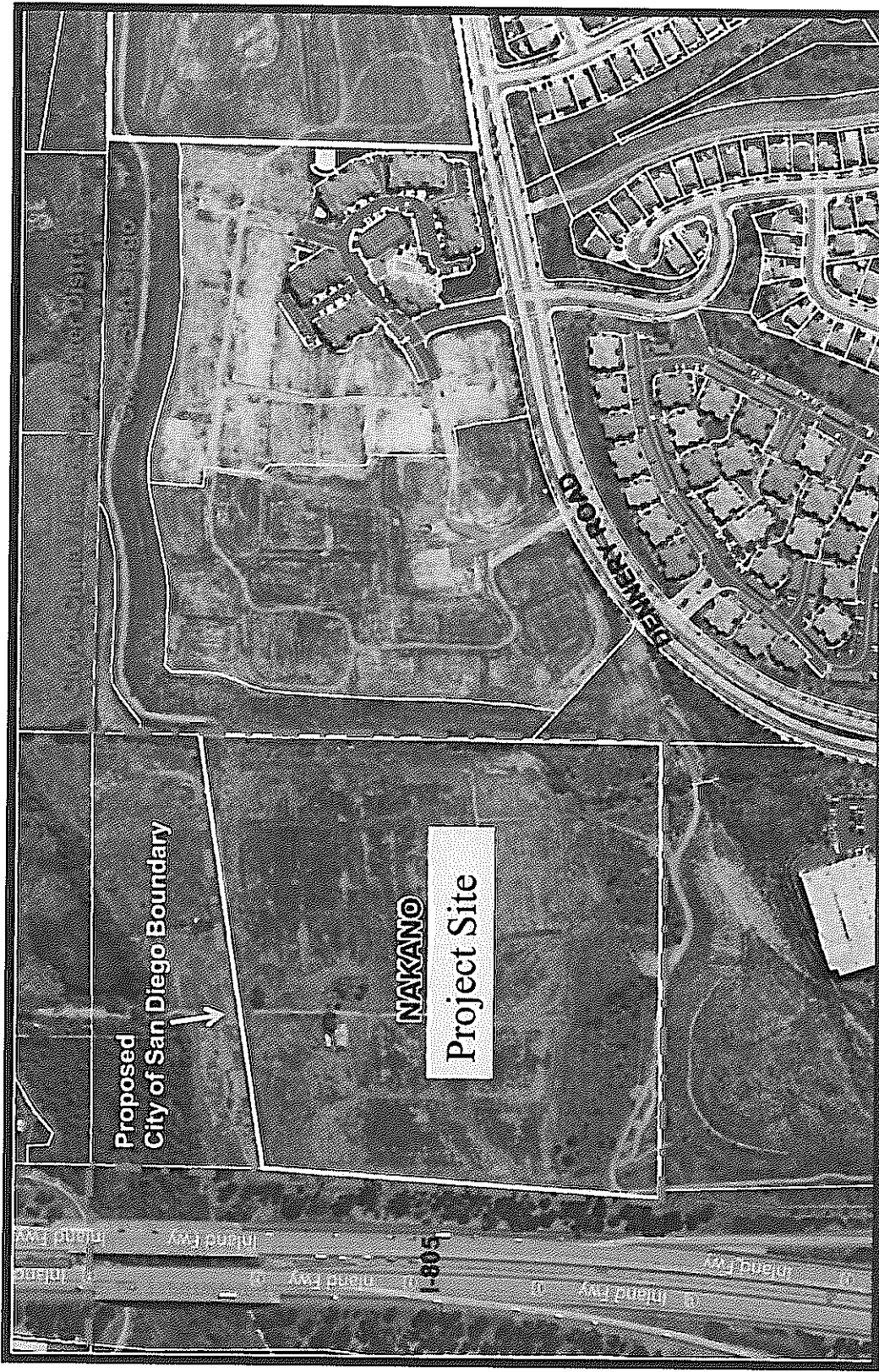


Project Location Map

Nakano – Project No. 73404

Dennerly Road - Otay Mesa





Aerial Photograph & Reorganization Area

Nakano - Project No. 73404

Dennery Road - Otay Mesa





**OTAY VALLEY REGIONAL PARK
JOINT POLICY-CITIZENS ADVISORY
COMMITTEE MEETING MINUTES**

**January 24, 2008
2:00 P.M.**

Meeting called to order at 2:21 pm by Chairman Cox.

AGENDA ITEMS

1. **APPROVAL OF MINUTES FROM JULY 17, 2007 MEETING**
MOTION TO APPROVE JULY 19, 2007 MINUTES – COUNCILMAN HUESO, 2ND
CHAIRMAN COX
ALL IN FAVOR – 2-0-0

2. **APPOINTMENT OF CITIZEN ADVISORY COMMITTEE MEMBERS – Policy Committee**
(1 City of San Diego vacancy, 2 City of Chula Vista vacancies, 0 County of San Diego vacancies)
 - John McCann – We were hoping to have 2 appointments to the committee today, however we were unable to confirm both but I do have one, which is Frank Herrera-A.
 - Frank Herrera-A recently retired from the City of Chula Vista of which he spent over 20 years working on the OVRP and will be a great addition to the CAC.MOTION TO FRANK HERRERA-A TO THE OVRP CAC – Councilman McCann, 2nd
Councilman Hueso
ALL IN FAVOR – 3-0-0
 - Chairman Cox – I was looking at the attendance roster and noticed that there are a few people whose attendance has not been consistent and was wondering if this is something that we should look into.
 - ♦ John Willett – We are currently looking into this and will have something at the next PC-CAC meeting.

- This area of the OVRP is also is part of the Preserve Owner Manager area, so we have to take this into account as well in our planning.
- We are very excited to be working with JPB on this endeavor and think that it is something that will benefit all parties and give the OVRP even more opportunities for trails and linkages.
- This will be presented at the next CAC meeting in February.
 - ♦ JPB Representative - We are very excited about this opportunity and look forward to working on this. I know that there have been property owners in the past that did not want to be a part of this, but we are here and ready to start work.
 - ♦ Councilman McCann – I would like to express my appreciation to staff and the land owners on this. I think that it is a great opportunity and something that we are able to have this opportunity because of the planning and efforts of staff.

9. RANGER'S REPORT

- John Barone, City of San Diego, Western Region of the OVRP
 - ♦ I would like to say that we are very happy with our new Ranger Station.
 - ♦ I would also like to introduce Matt Sanford who is a new Ranger working in the OVRP.
 - ♦ Matt has already starting taking on tasks and is working with the CCC crews and assisting tremendously with the clean-up efforts.
 - ♦ We have already started to see a lot of visitors to the area and everyone seems very happy and excited about the new trails and the current planning efforts to expand their trail opportunities in the area.
 - Chairman Cox – Has there been any improvement on the graffiti and vandalism in the area?
 - ♦ There have been some improvements and we continue to work with the local police department.
- Bill Lipowcan, County of San Diego, Eastern Region of the OVRP
 - ♦ We are continuing to assist with the efforts in the western section of the OVRP.
 - ♦ We recently acquired a new 15-passenger van, which has been a big help in transporting crews to allow more work to be done.
 - ♦ We installed some additional fencing on the eastern end and are noticing a decrease in the off-road activity.

10. DEVELOPMENT PROJECTS – John Willett, Chairman, Citizens Advisory Committee

- ♦ Robin Shifflet - This item is to recommend approval of two private development projects by Pardee Homes – Las Casitas and Nakano. The two projects are before the PC because they are within and adjacent to the OVRP. The recommendation is only that the proposed project is consistent with the OVRP Concept Plan and other policy documents.



- ♦ Chairman Cox – I understand that Councilman Hueso has been advised on this issue by his attorney and will need to excuse himself from this discussion. Is this correct?
- ♦ Councilman Hueso – Yes, I have been directed by our City Attorney that to avoid any potential conflicts or accusations of being influenced about these projects prior to voting on them at our City Planning meeting I will excuse myself from this presentation.

Councilman Hueso left the council chambers and remained outside for the entire duration of the presentation and vote by the PC.

- Pardee Homes came to the CAC to present the Nakano and Las Casitas projects, which are within the OVRP and I would like to invite them to speak on this.
 - ♦ Jimmy Ayala – The two projects are Las Casitas and Nakano developments near the OVRP. Las Casitas is a 185-unit residential project, and Nakano is an 18-acre parcel that will be an 12-acre park area and community religious facility.
 - ♦ Robin Shifflet – The Nakano property will be a neighborhood park, however we do not have any plans for this project at this time. It is still in the very early stages and not ready for this type of planning yet.
- I have been out there and walked this area and concur with this plan. The CAC has also voted and recommend approval of this concept plan.
 - ♦ Chairman Cox – Are you looking for a motion and approval on this today?
 - ♦ Robin Shifflet – Yes, we are requesting approval from the PC that we can take forward to the Planning Commission.

MOTION TO APPROVE THE CONCEPT PLAN AS PRESENTED – Councilman McCann,
2nd Chairman Cox
ALL IN FAVOR – 2-0-1

11. CAC REPORT – John Willett, Chairman, Citizens Advisory Committee

- Distributed CAC Chair's Report.
- We have removed over 1,380 tons of debris from the valley and over 22,620 hours of labor.
- On November 15, 2007 there was another clean-up of the north Otay Reservoir and lower Proctor Valley Road with the help of the Friends of the OVRP.
- Jim Baldwin from the East Lake development has agreed to develop a map of trail connectivity with the Eastlake trail system to the OVRP trails to make linkages throughout the valley. Don Ross will be working on the coordination for areas within the City of Chula Vista.

12. Friends of OVRP Report – Frank Ohrmund, Vice President, Friends of OVRP

- None

13. CAC MEMBER COMMENTS/OPEN DISCUSSION



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☒ Other

Prezone, Community Plan Amendment, Precise Plan Amendment, Tentative Parcel Map

Project Title

Nakano

Project No. For City Use Only

73404

Project Address:

Denney Road (east of I-805)

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title:
Nakano

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation (☐ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. 952509383
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

Pardee Homes

☒ Owner ☐ Tenant/Lessee

Street Address:

10880 Wilshire Blvd., Suite 1900

City/State/Zip:

CA 90024

Phone No:

310-475-3525 x 222

Fax No:

310-446-1295

Name of Corporate Officer/Partner (type or print):

David D. Dunham

Title (type or print):

Senior Vice President

Signature :

Date:

9.8.05

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :

Date:

UNANIMOUS ACTION OF THE BOARD OF DIRECTORS
OF
PARDEE HOMES,
a California corporation,
TAKEN WITHOUT A MEETING

The undersigned three (3) Directors, constituting all of the members of the Board of Directors of Pardee Homes, a California corporation, (the "Corporation"), acting as of March 15, 2011, without a meeting in accordance with California Corporations Code Section 307(b) and Article III, Section 12 of the Corporation's By-Laws, hereby resolve as follows:

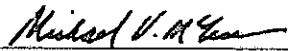
RESOLVED, that all offices of the Corporation are declared vacant and each of the following persons is elected to the office shown opposite such person's name, to serve in such office until removed by the Board or the President, by resignation, or until such time as a successor is elected:

| | |
|------------------------|--|
| Michael V. McGee | President and Chief Executive Officer |
| Jon E. Lash | Executive Vice President |
| Anthony P. Dolim | S. V. P., Finance and Controller |
| John Anglin | Senior Vice President, Construction and Purchasing |
| John Arvin | Senior Vice President, Land Development |
| Robert E. Clauser, Jr. | Senior Vice President, Marketing |
| Amy L. Glad | Senior Vice President, Governmental Affairs |
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| Gary Probert | Senior Vice President, Sales |
| James C. Bizzelle, III | Vice President, Community Development |
| Gino Cesario | Vice President, Corporate & Strategic Services |
| Robert Dawson | Vice President, Closing Services |
| Patrick Emanuel | Vice President, Construction Operations |
| Beth Fischer | Vice President, Community Development |
| Joyce Mason | Vice President, Marketing |
| Ralph Pistone | Vice President, Construction Operations |
| Donna Sanders | Vice President, Options |
| Thomas R. Stocks | Vice President and Chief Investment Officer |
| Michael C. Taylor | Vice President, Community Development |
| Kevin Wilson | Vice President, Purchasing and National Accounts |
| Jeffrey W. Nitta | Treasurer |
| Barbara Bail | Assistant Secretary |
| Rosemary Bonnevie | Assistant Secretary, Finance |
| Charles E. Curtis | Assistant Secretary |
| Belle DeBraal | Assistant Secretary, Accounting |
| Claire S. Grace | Assistant Secretary |
| Vicki A. Merrick | Assistant Secretary |
| Allison J. Renz | Assistant Secretary |

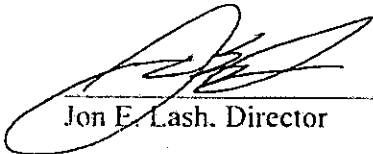
Carole Royce
Thomas M. Smith
Nancy Trojan

Assistant Secretary
Assistant Secretary
Assistant Secretary

The undersigned hereby consent to the foregoing Resolution and direct that the Secretary of this Corporation file this Unanimous Action of the Board of Directors, including this consent, with the Minutes of the proceedings of this Board of Directors and that said Resolution shall have the same force and effect as if adopted at a meeting of the Board of Directors at which all of the undersigned were personally present.



Michael V. McGee, Director



Jon E. Lash, Director

Peter M. Orser, Director

Carole Royce
Thomas M. Smith
Nancy Trojan

Assistant Secretary
Assistant Secretary
Assistant Secretary

The undersigned hereby consent to the foregoing Resolution and direct that the Secretary of this Corporation file this Unanimous Action of the Board of Directors, including this consent, with the Minutes of the proceedings of this Board of Directors and that said Resolution shall have the same force and effect as if adopted at a meeting of the Board of Directors at which all of the undersigned were personally present.

Michael V. McGee, Director

Jon E. Lash, Director



Peter M. Orser, Director

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY**CURRENT**

SUBJECT: ANNEXATIONS BY CITY
POLICY NO.: 600-01
EFFECTIVE DATE: July 20, 1981

BACKGROUND:

The Municipal Organization Act of 1977 ("MORGA") (Cal. Gov't Code Sec. No. 35000 et.seq.), the District Reorganization Act of 1965 (Cal. Gov't Code Sec. No. 56000 et.seq.) and the Knox-Nisbet Act (Cal. Gov't Code Sec. No. 54773 et.seq.) express a legislative intent which is reiterated in "An Urban Strategy for California," State of California, Office of Planning and Research, Environmental Goals and Policy Report, 1978, favoring control of growth and assurance of orderly growth and development through expansion of municipal entities rather than through creation or expansion of limited purpose agencies. The State has declared that when areas become urbanized to the extent that they require a full range of community services, "priorities must be established regarding the type and levels of such services..." and that a single governmental agency, rather than a number of limited purpose agencies, "...is better able to assess...community service needs... and...is the best mechanism for establishing community service priorities."

Following the expressed State policy and legislative intent, the County, in its adopted San Diego Annexation/Incorporation Policy (Policy No. I-55) and Regional Growth Management Plan (June 1978), has promulgated policies that promote annexation and/or incorporation of urban and urbanizing areas by adjacent cities and that seek to assure that such areas achieve municipal status, since municipalities and general purpose agencies are better suited to controlling such areas and providing necessary municipal services than are special districts. Given this impetus towards annexation and/or incorporation of urbanizing areas, given the City's interest in promoting orderly growth and development on its periphery, particularly in areas that may ultimately be within the City limits, and given the City's intent to implement the Progress Guide and General Plan, it is desirable and in the City's interest to indicate its area of ultimate annexation decisions, whether such annexations are initiated by the City itself or by others; to indicate those City actions that will further the City's annexation policy; and to reference the procedural steps that will be required for City and property owner-initiated annexations.

PURPOSE:

The purpose of this Council Policy is to specify the areas of ultimate City annexation interest; to specify the factors that will be used to guide the City in responding to specific annexation requests and proposals; to identify necessary City actions to maintain or assert planning, land use and ultimate jurisdictional control over specified areas; and to reference the procedure to be followed for annexations to the City, whether initiated by the City or by landowners.

POLICY:

It is the policy of the Council that:

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

1. Pending adoption by LAFCO of a “sphere of influence” for the City of San Diego, the City shall consider petitions for annexation of lands lying within the specified areas shown on the map attached hereto and incorporated herein by reference.
2. The specified areas shall be “preplanned” by the City through their inclusion in the land use element of the Progress Guide and General Plan; and, where feasible, by inclusion in community plans. Preplanning may result in lands being classified as Planned Urbanizing or Future Urbanizing.
3. The primary responsibility for initiating annexation proposals shall rest with property owners, who will bear all costs associated with the review, processing and evaluation of such requests.
4. The Council reserves the right to propose annexations on its own initiative, where it appears, based on the existence of one or more of the following factors, that such action will further the City’s interests:
 - a. a favorable fiscal or economic impact;
 - b. evidences of unanimous (or near unanimous) support on the part of affected property owners;
 - c. the opportunity to eliminate unincorporated islands and/or to make City boundaries more uniform.
5. Council action on annexation proposals, whether initiated by property owners or by the City, shall not be taken unless the following factors are considered:
 - a. whether the proposal represents an orderly extension of existing City boundaries;
 - b. whether annexation is timely from the standpoint of the City’s residential growth management program;
 - c. the extent of difficulty likely to attend the provision of urban services, either in the present or in the foreseeable future;
 - d. the results of a fiscal impact analysis, preferably undertaken on a community planning area basis;
 - e. the extent of jurisdictional problems (involving other governmental agencies) that might be created.
6. The procedure to be followed on annexations shall be that set forth in an appropriate Administrative Regulation.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

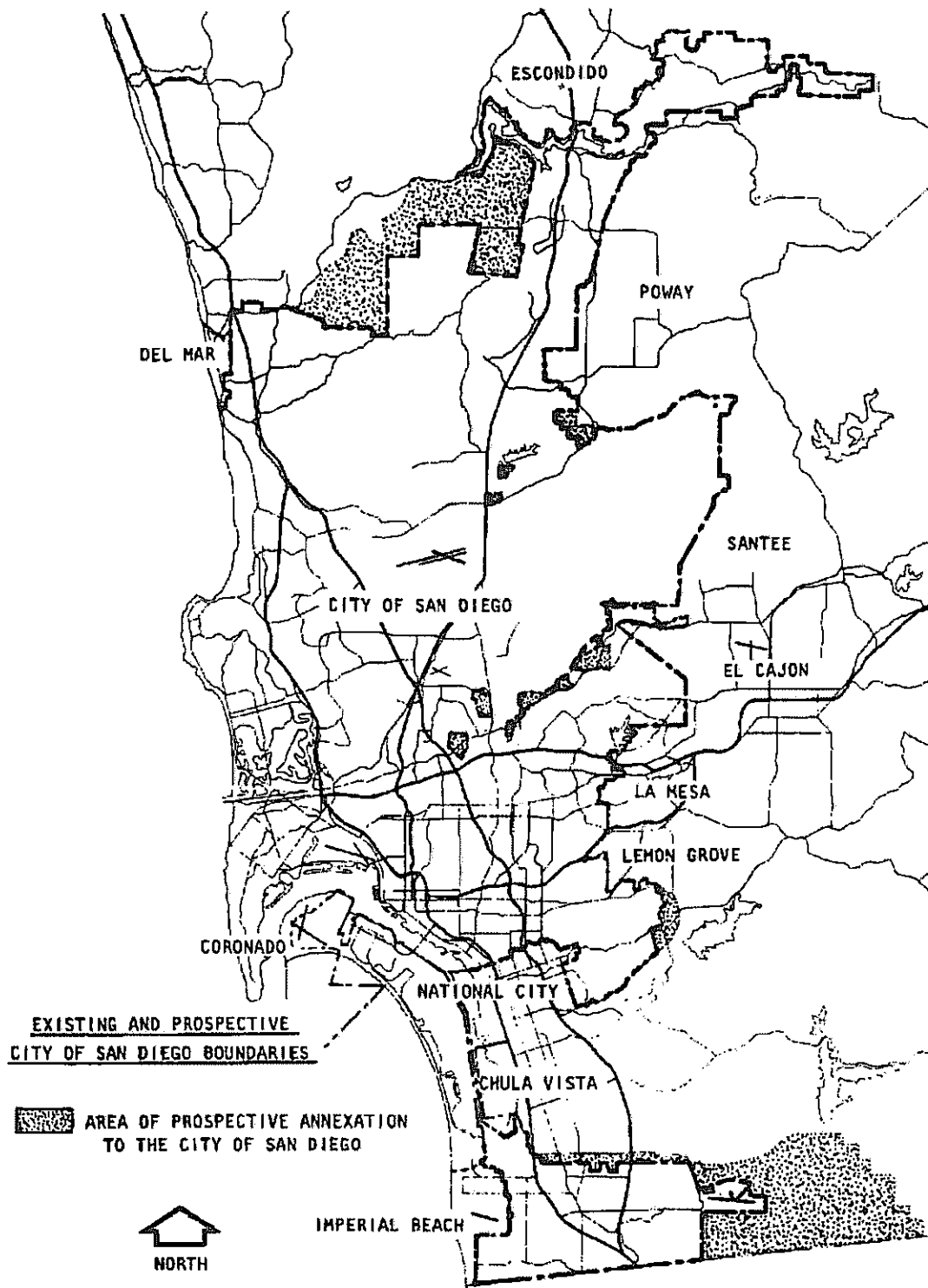
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HISTORY:

Adopted by Resolution R-169960 03/15/1962
Amended by Resolution R-199987 06/11/1970
Amended by Resolution R-205109 03/09/1972
Amended by Resolution R-254646 07/20/1981

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT



CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

| | | | |
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| SUBJECT | Number 50.20 | Issue 4 | Page 1 of 7 |
| ANNEXATION, REORGANIZATION, AND CHANGE OF ORANIZATION PROCEDURES | Effective Date July 1, 2010 | | |

1 Purpose

- 1.1 To establish administrative procedures for carrying out Council Policy No. 600-1, titled Annexations by City.
- 1.2 To establish administrative procedures for carrying out any proposed change of organization(s) as set forth by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

2 Definitions

- 2.1 "Annexation" means the attachment or addition of uninhabited or inhabited territory to the City's municipal boundary or service area. This could include developed and inhabited property without a development proposal or vacant developable and uninhabited property with a development proposal.
- 2.2 "Annexation and Reorganization Advisory Committee" is an ad-hoc committee that should consist of the Mayor or the Mayor's designee and the deputy chief operating officers or directors or their designees from the City Planning & Community Investment, Development Services, Public Utilities, and Public Works departments and other departments as deemed appropriate. Its principal function is to review annexation proposals and formulate staff recommendations to the Planning Commission and Council.
- 2.3 "Annexation, Reorganization or Change of Organization Proposal" means uninhabited or inhabited territory to be included in an annexation or reorganization and the proposed rezoning, General Plan, and community plan amendments. Development plans for uninhabited territory are also required when the territory contains vacant developable land that can be subdivided.

(Supersedes Administrative Regulation 50.20, Issue 3, effective March 30, 1993.)

Authorized

Chief Operating Officer

Development Services Director

City Planning & Community
Investment Director

City Clerk

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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| SUBJECT | Number 50.20 | Issue 4 | Page 2 of 7 |
| ANNEXATION, REORGANIZATION, AND CHANGE OF ORANIZATION PROCEDURES | Effective Date July 1, 2010 | | |

- 2.4 "Change of Organization" means any of the following: (a) a city incorporation; (b) a district formation; (c) an annexation to, or detachment from, a city or district; (d) a disincorporation of a city; (e) a district dissolution; (f) a consolidation of cities or special districts; (g) a merger or establishment of a subsidiary district; or (h) a proposal for the exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.
- 2.5 "Detachment" means the deannexation, exclusion, deletion, or removal of any portion of uninhabited or inhabited territory from the City's municipal boundary or service area.
- 2.6 "Reorganization" means two or more changes of organization initiated in a single proposal.
- 2.7 "Inhabited Territory" means territory with 12 or more registered voters.
- 2.8 "Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000" (Cortese-Knox-Hertzberg), codified as Division 3 (commencing with Section 56000) of Title 5 of the California Government Code, is that statute setting forth procedures applicable to changes of organization including annexations of territory to the City of San Diego.
- 2.9 "Sphere of Influence" means the probable physical boundaries and service area of the City or another local agency, as determined by LAFCO.
- 2.10 "San Diego Local Agency Formation Commission (LAFCO)" is a regulatory agency that oversees jurisdictional boundary changes as governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. LAFCO services as the conducting authority for city annexations and detachments.
- 2.11 "Plan for Services" means a document or part of a document that enumerates and describes services to be extended to the territory affected by a change in organization or reorganization, identifies the type and range of such services and analyzes when those services can feasibility be extended into the affected territory. It shall also identify needs for new or upgraded structures, roads, sewer or water facilities, or other conditions the City would impose within the affected territory upon completion of the change in organization or reorganization, and how those services and facilities would be financed.

CITY OF SAN DIEGO
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3 Pre-LAFCO Hearing Procedures

Responsibility

Action

City Planning & Community
Investment

3.1 Discusses annexation, reorganization, or change of organization proposal with prospective applicant(s). Explains pertinent General Plan policies and City procedures and requirements; citing existing and proposed land use, facility, infrastructure, and public service data and maps needed in order to permit proper evaluation of annexation or reorganization proposal; and responding to questions.

Development Services

3.2 Accepts a deposit from the prospective applicant(s) accompanied by a development permit application and opens a specific internal order for the annexation, reorganization, or change of organization proposal.

City Planning & Community
Investment and Development
Services

3.3 Discusses annexation, reorganization, or change of organization proposal with prospective applicant(s), LAFCO, County of San Diego, special districts, and other jurisdictions as necessary to determine the need for any sphere of influence amendments, provision of services, and property tax agreements or other agreements between the agencies involved.

3.4 Discuss annexation, reorganization, or change of organization proposal for review by the Annexation and Reorganization Advisory Committee for the purpose of deciding if the City staff supports the proposal.

3.5 Present City staff's position to the applicant(s) and define applicant's responsibilities for required LAFCO application fees, studies, and related tasks and stipulate their scope and scheduling, including, but not limited to, environmental review and public facilities and services fiscal and financing analysis.

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| | 3.6 | Direct applicant(s) to prepare a metes and bounds legal description and an engineering drawing (map) of the annexation or reorganization proposal and to submit the legal description, map, and any other materials required by LAFCO and other affected agencies and jurisdictions to the Development Services for review. (If City initiated annexation, request Development Services to prepare the legal description and map). |
| Appropriate City Departments | 3.7 | Undertake and complete, or review if performed by others, the studies, agreements, and related tasks called for pursuant to step 3.5; and transmit conclusions and recommendations to City Planning & Community Investment and Development Services. |
| City Planning & Community Investment and Development Services | 3.8 | Assemble all pertinent data and materials relating to the annexation, reorganization, or change of organization proposal and convene a meeting of the Annexation and Reorganization Advisory Committee to review information prepared for annexation proposal and formulate City staff recommendation. |
| | 3.9 | Present annexation, reorganization, or change of organization proposal to Planning Commission (or Council) to obtain authorization to initiate prezoning, amendment of the affected community plan(s), public facilities financing plan(s), and the General Plan. |
| | 3.10 | Prepare a report containing recommendations on annexation, reorganization, or change of organization proposal for submission to Council's Land Use and Housing Committee. The report should address all items that will require action by the full City Council including the resolution of application to LAFCO, prezoning, development plans, environmental document, plan for services, public facilities financing plan(s), community plan(s) and/or General Plan amendments, property tax agreements, and, if needed other agreements with agencies affected by the proposal. |

CITY OF SAN DIEGO
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| | 3.11 | Prepare Planning Commission reports containing recommendations on annexation, reorganization, or change of organization proposal for submission to Planning Commission. |
| Planning Commission | 3.12 | Conduct hearings and provides recommendations on annexation, reorganization, or change of organization proposal for the Council. |
| City Planning & Community Investment or Development Services | 3.13 | Prepares a "Request for Council Action". |
| | 3.14 | Provides the Clerk with a map showing the location and/or property addresses of the affected territory. |
| Clerk | 3.15 | Provides notification of the proposed Council action that complies with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. |
| Council | 3.16 | Adopts a resolution of application for submission to LAFCO, a rezoning ordinance, development plans, an environmental document, a plan for services, amendments to community plan(s), public facilities financing plan(s), and General Plan, and property tax agreement(s), or other applicable agreements. |
| City Planning & Community Investment | 3.17 | Submits a certified copy of the resolution of application and copies of the adopted rezoning ordinance, development plans, an environmental document, a plan for services, amendments to community plan(s), public facilities financing plan(s), and General Plan, and property tax agreement(s), or other applicable agreements to LAFCO's Executive Officer. The application shall also include all the materials and fees required by LAFCO for a complete submittal. |

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4 LAFCO/Board of Supervisors Hearing Procedures

City Planning & Community
Investment

- 4.1 Attends all LAFCO hearings on annexation, reorganization, or change of organization proposals and provides the City's position.
- 4.2 Attends all Board of Supervisors hearings on tax agreements and provides the City's position.
- 4.3 Requests that the applicant(s) provide the processing fee to LAFCO for the state Board of Equalization.

5. Post Annexation Procedures

City Planning & Community
Investment

- 5.1 Sends a cover letter, LAFCO resolution, and approved legal description(s) and maps to the following City departments:
- | | |
|--------------------------------|--------------------|
| Mayor's Office | Council Districts |
| Financial Management | Attorney |
| Development Services | Comptroller |
| Environmental Services | Library |
| General Services | Public Utilities |
| Fire and Rescue | Police |
| Auditor | Treasurer |
| Park & Recreation | Real Estate Assets |
| Engineering & Capital Projects | |

- 5.2 Sends a cover letter, LAFCO resolution, and approved legal description(s) and maps to the following agencies:
- San Diego Housing Commission
- County Water Authority SanGIS
- San Diego Association of Governments
- County of San Diego, Planning & Land Use Department

City Planning & Community
Investment and Development
Services

- 5.3 Amend engineering drawing 10864, General Plan land use map, community plan(s) land use map(s), official zoning map(s), and council district boundary map to show the approved municipal boundary change.

CITY OF SAN DIEGO
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APPENDIX

Legal Reference

Council Policy 600-1 "Annexations by City"

California Government Code Title 5, Division 3, Section 56000, *et seq.*

City Charter, Section 5, "Redistricting"

Forms Involved

"Request for Council Action"

Subject Index

Annexation, Reorganization, or Change of Organization - Procedures

Administering Department

City Planning & Community Investment
Development Services



K. Annexations and Reorganizations

Goals

- ♦ Identification of prospective annexation areas to limit urban sprawl, avoid duplication of urban services in an efficient manner, and preserve open space.
- ♦ Annexation of county islands within the City boundaries.

Discussion

Prospective annexation areas include two county islands of unincorporated land within the City, and unincorporated areas that share common geographic features and are bordered by the same natural boundaries as the contiguous City area (see Figure LU-3). Land located within these prospective areas can be reviewed for the possibility of annexation upon the initiative of either the landowner or the City. Additionally, discussions regarding reorganizations or boundary adjustments between the City and other adjacent jurisdictions will occur over time and will require further evaluation.

Policies

- LU-K.1. Identify prospective annexation areas for long-range planning purposes that will avoid duplication of services with special districts; promote orderly growth and development and preserve open space, as necessary, on its periphery; and promote a more cost-efficient delivery of urban services to both existing areas that already have urban services and future development areas that require urban service extensions from contiguous City areas.
- LU-K.2. Evaluate whether or not to submit an annexation application to the San Diego Local Agency Formation Commission (LAFCO).
 - a. Analyze the present and planned land uses for the proposed annexation.
 - b. Assess the present and future need for urban services and facilities.
 - c. Review the fiscal impact of the proposed annexation to the City.
 - d. Identify whether the proposal represents an orderly and logical extension of City boundaries.
 - e. Assess the ability of the City to provide urban level services.
 - f. Determine whether the proposal would induce residential growth.
 - g. Determine whether the proposal would provide provisions for affordable housing.
 - h. Determine whether the proposal would provide provisions for open space.
 - i. Evaluate the effect of the annexation to any relevant social or economic aspects of interest.

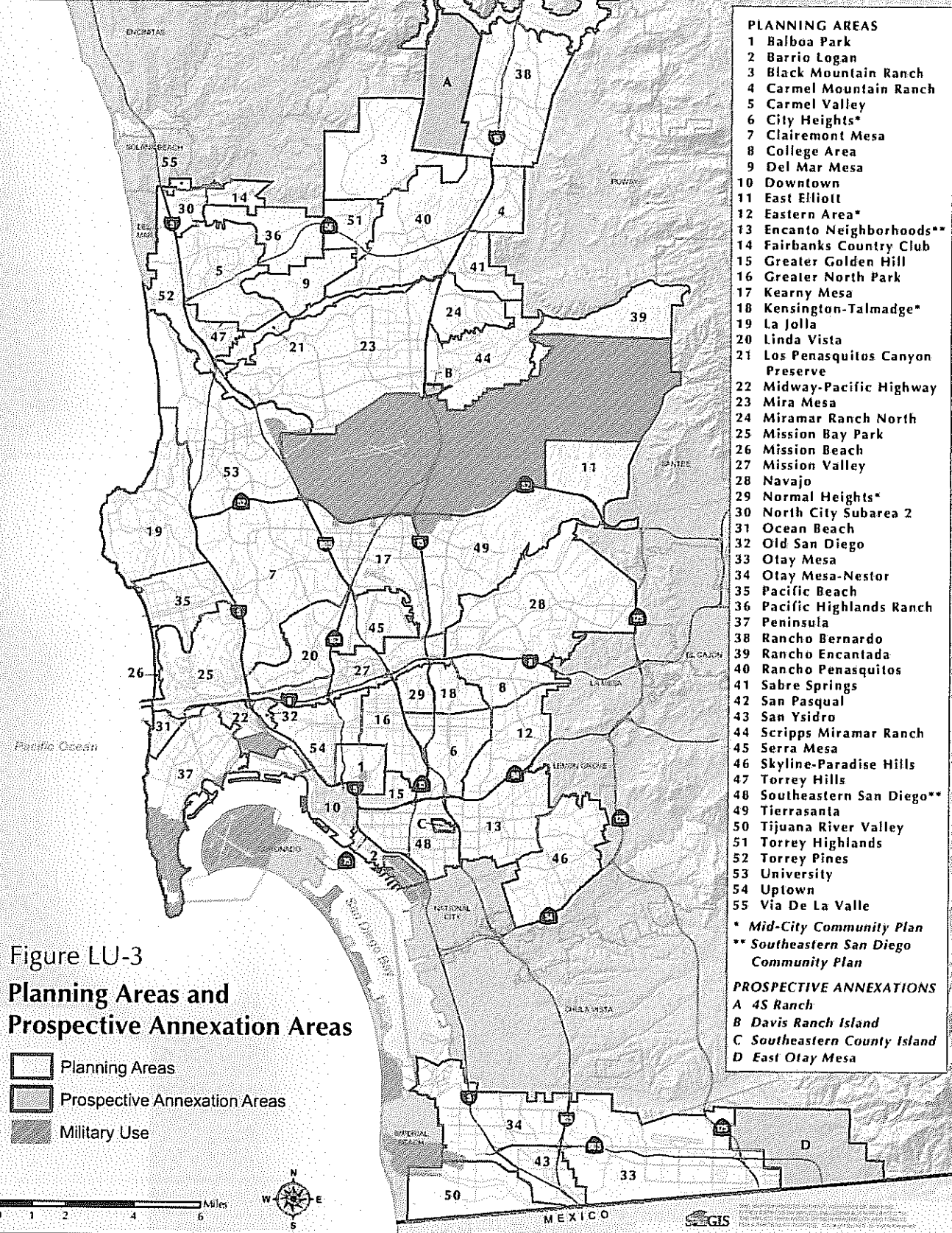


Land Use and Community Planning Element

- j. Verify and determine the level of support on the part of affected property owners and area residents.
- LU-K.3. Include areas, upon their annexation, in the appropriate community planning area, and ensure that future development implements the policies and recommendations of the General Plan and applicable community plan.
- LU-K.4. Pursue annexation of the county islands listed below based upon a review of the preceding factors, and the fact that the City has provided efficient delivery of urban services, roadways and other major public facilities to these areas for many years: the Davis Ranch, an approximately 77-acre property, designated for industrial use, located adjacent to Interstate 15 within the Scripps Miramar Ranch Community Planning Area; and the Mount Hope Cemetery, an approximately 100-acre property, designated as a public cemetery, located within the Southeastern San Diego Community Planning Area.



THE CITY OF SAN DIEGO
General Plan
Land Use and Community
Planning Element



* NAKANO SITE
RECREATION AREA # 8



CONCEPT PLAN

Prepared By:

County of San Diego

- Parks and Recreation Department

City of Chula Vista

- Planning Department
- Parks, Recreation and Open Space Department

City of San Diego

- Community and Economic Development Department
- Park and Recreation Department

OTAY VALLEY REGIONAL PARK
CONCEPT PLAN
RECORD OF RECOMMENDATION AND ADOPTION

PRELIMINARY DRAFT, recommended by


Otay Valley Regional Park
Citizen Advisory Committee
February 21, 1997



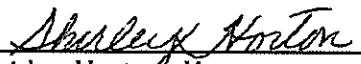
John Willett, CAC Chair

REVISED DRAFT, accepted by

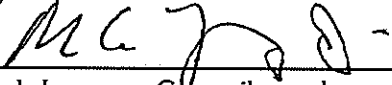
Otay Valley Regional Park
Policy Committee
July 18, 1997



Greg Cox, Supervisor
County of San Diego, First District



Shirley Horton, Mayor
City of Chula Vista



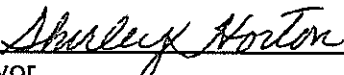
Ralph Inzunza, Councilmember
City of San Diego, Eighth District

**ADOPTED
COUNTY OF SAN DIEGO**




Chairman of the Board of Supervisors

CITY OF CHULA VISTA



Mayor
Resolutuion 2001-148

CITY OF SAN DIEGO




Mayor
Resolution R-294-777 (Plan)
Resolution R-294-778 (EIR)

ATTEST:



Clerk of the Board of Supervisors

ATTEST:



City Clerk

ATTEST:



City Clerk

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| CHAPTER 3 - CONCEPT PLAN | Page 33 |
| CHAPTER 4 - FUTURE ACTIONS | Page 61 |
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EXECUTIVE SUMMARY



OTAY VALLEY REGIONAL PARK PLANNING EFFORT

This Otay Valley Regional Park (OVRP) Concept Plan is the result of a multi-jurisdictional planning effort in the Otay River Valley by the County of San Diego and the cities of Chula Vista and San Diego. In 1990, the jurisdictions entered into a Joint Exercise of Powers Agreement (JEPA) for coordinated planning, acquisition and design for OVRP. The JEPA established a 3-member Policy Committee (PC) of elected officials and a 30-member Citizen Advisory Committee (CAC). In 1995 the PC and the CAC reviewed a draft map for the Concept Plan and directed that the Concept Plan be completed after additional public review and comment.

COMMUNITY INVOLVEMENT

The South Bay community has been closely involved with development of this Concept Plan. The CAC, representing a variety of stakeholders in the Otay Valley, has provided ongoing input into plans for OVRP. Community, environmental, recreational, property owner, developer, resident and special interest groups were consulted throughout 1995 and 1996 through presentations of the preliminary draft Concept Plan's map.

CONCEPT PLAN

The planning area for OVRP is located in the southern portion of San Diego County, four miles north of the United States/Mexico International Border. The Regional Park will extend about 11 miles from the southeastern edge of the salt ponds, through the Otay River Valley, to the land surrounding both Lower and Upper Otay Lakes. Environmental and urban conditions considered in preparing this Concept Plan were topography/land form, hydrology, biological resources, cultural resources, General and Community Plans, zoning and other regulations, and existing and planned land uses.

The Multiple Species Conservation Program (MSCP) and the US Fish and Wildlife Service San Diego National Wildlife Refuge are regional public planning efforts that include the Otay River Valley. In general, the goals of these programs are complementary, seeking to protect sensitive environmental resources in the region within a framework of private property rights. This Concept Plan has been prepared to complement those future plans. Similarly, those plans provide synergy for creation of the Regional Park.



Much of the land within the Concept Plan is privately owned and has development potential based on existing zoning, land use plans and other development regulations. The Concept Plan does not change existing zoning, land use plans or add new development regulations. It does not preclude private development. It provides policy direction for the jurisdictions for coordinated land acquisition and development for the Regional Park within this framework of private property rights.

The Concept Plan proposes a boundary for OVRP and, following the direction of the Policy Committee in the OVRP Goal Statement adopted in 1990, it:

- provides for the protection of environmentally sensitive areas and important cultural resources by identifying an open space core/preserve area,
- identifies areas adjacent to the open space core for active and passive recreational development opportunities,
- includes a trail system with staging areas, viewpoints and overlooks and connections to recreation areas and adjacent public lands and trails, and
- envisions two interpretive centers for environmental and educational programs.



The Concept Plan consists of a text and map.

Elements of the Concept Plan are:

- Boundary
- Alternative Boundary
- Open Space/Core Preserve Area
- Recreation Area
- Trail Corridor
- Staging Area
- Viewpoint and Overlook Area
- Interpretive Center
- Park Study Area



These Elements are applied throughout the Concept Plan area. To provide a more detailed explanation of the application of the Elements, the Concept Plan area is divided into five geographic Segments.

Segments of the Concept Plan are:

- South San Diego Bay to Interstate 5
- Interstate 5 to Interstate 805
- Interstate 805 to Heritage Road (Paseo Ranchero)
- Heritage Road (Paseo Ranchero) to Otay Lakes Vicinity
- Otay Lakes Vicinity



FUTURE PLANNING AND IMPLEMENTATION

Adoption of this Concept Plan does not result in modification of existing jurisdictional boundaries, change existing zoning or land use plans or add new development regulations. However, it may be necessary for each jurisdiction to adopt amendments to General, Community and Specific Plans, as well as rezone land to be consistent with the Concept Plan Elements as they are acquired or developed by the public agencies.

Implementation actions may range from the preparation of comprehensive master plans and overall design guidelines to acquisition and development of specific areas of the park. Cooperative acquisition, planning and design of OVRP is expected to continue under the JEPA adopted in 1990; however, new multi-jurisdictional agreements may be necessary to address coordinated operational maintenance responsibilities.

Recreation Area



Policy: If questions arise about the extent of a Recreation Area, give consideration to its suitability for recreation, open space or other private development or as a buffer between development and the Open Space/Core Preserve Area.

Recreation Areas are areas that may be suitable for a variety of active or passive recreational uses. They may be vacant or have existing recreational uses, are relatively flat, have been previously disturbed or lack sensitive biological resources and have the potential for access from regional or local circulation roads. They are intended to provide land suitable for development of recreational facilities that are regional in scope and may also serve community and neighborhood needs. They may also provide Staging Areas and Viewpoint and Overlook Areas, as appropriate.

Policy: Develop Recreation Areas consistent with the policies and guidelines of the MSCP for development adjacent to the MHPA.

The Recreation Areas are shown as “bubbles” on the Concept Plan Map, and, like the Park Boundary, these “bubbles” do not strictly follow property lines. They are intended to identify the general extent of areas that would be suitable for recreational uses.

Policy: Support joint use of commercial recreational facilities within OVRP. Consider alternate private/public uses when and where appropriate.

Recreation Areas are located outside of the boundaries of the MHPA of the MSCP and many have existing private development potential, consistent with zoning, planned land uses and other development regulations, including the potential for private and public recreational development. Both public and private recreational developments may implement this Element of the Concept Plan.



The Concept Plan does not change existing zoning, planned land uses or add new development regulations, nor does it preclude private development in Recreation Areas consistent with existing zoning or planned land uses. It is expected that some Recreation Areas or portions of Recreation Areas may be developed privately with uses that do not implement the Concept Plan. Recreation Areas are proposed in conjunction with the requirements of the Otay Ranch development. The Otay Ranch RMP includes guidelines for siting and developing recreational uses within the area of the Otay Ranch Preserve.

Trail Corridor

Policy: Provide trails that connect to other regional trails offsite and to existing and future park facilities located adjacent to or near OVRP.

Policy: Utilize existing fire and utility roads and easements for trails to minimize impacts to sensitive resources.

Policy: With the exception of border patrol, maintenance and/or emergency vehicles, prohibit off highway (motorized) vehicle use throughout OVRP.

Trail Corridors are intended to provide a continuous link through the Park, connecting the Recreation Areas and Interpretive Centers through the Open Space/Core Preserve Area. The Trail Corridor provides for hiking, bicycling and equestrian trails, although these trails may not share the same locations and may not all be established along the entire length of OVRP.



A Trail Corridor is intended to identify a generalized location for trails in the Park. Trails should be located on both sides of the river wherever possible, with crossings where appropriate. Trail Corridors should provide looped trails and should connect to other regional trails offsite, including the Bayshore Bikeway to the west, the City of Chula Vista Greenbelt trails which will provide a connection to Sweetwater Regional Park, and the Bureau of Land Management (BLM) holdings to the east.

Staging Area



Staging Areas function as neighborhood or regional access points to the Park and may be located conveniently near public transit stations or stops. They may provide access to Trail Corridors or Recreation Areas or link the two. There may be car and/or bicycle parking, picnic facilities and interpretive kiosks or signs in Staging Areas.

Staging Areas should not be limited to those specified on the Concept Plan map, but should be developed as opportunities are presented.

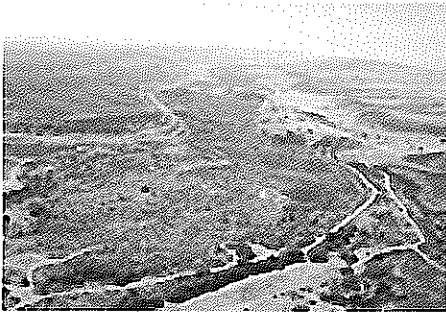
Viewpoint and Overlook Area

Policy: Encourage joint development of interpretive displays at Viewpoint and Overlook Areas located at public facilities outside of the Concept Plan Boundary.

Viewpoint and Overlook Areas provide sites for short and long range views into and through the Park. They are generally located at the edges of the Park Boundary. Some are designated outside of the Park Boundary at public facilities or along public roads.

They are intended to be used as areas for passive enjoyment of the Park and may include minimal seating and interpretive signage. They are generally associated with Recreation Areas, Trail Corridors and Staging Areas and do not stand alone in the Open Space/Core Preserve Area.

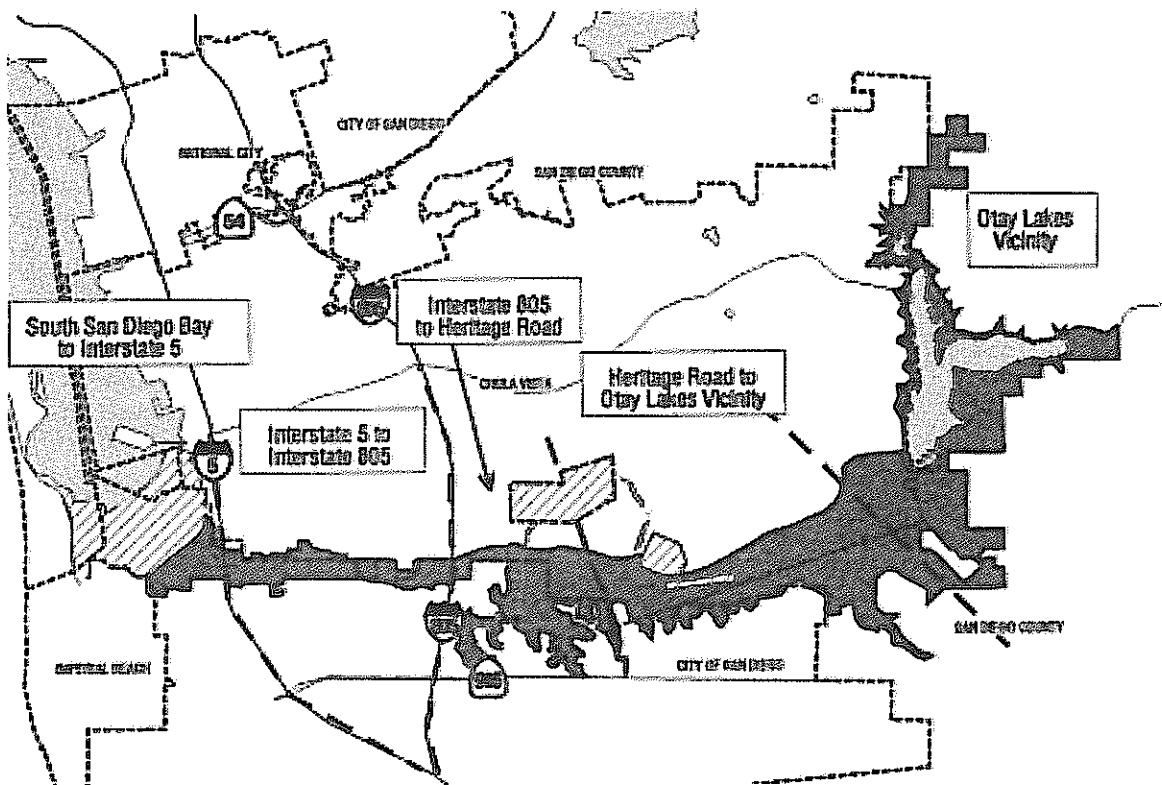
CONCEPT PLAN SEGMENTS



For ease of description, the Concept Plan has been divided into five Segments. This section identifies and describes each Segment, the Elements in each Segment, and the Policies for each Segment.

The Segments are:

- South San Diego Bay to Interstate 5,
- Interstate 5 to Interstate 805,
- Interstate 805 to Heritage Road (Paseo Ranchero),
- Heritage Road (Paseo Ranchero) to Otay Lakes Vicinity, and
- Otay Lakes Vicinity.



Concept Plan
Otay Valley Regional Park

Interstate 805 to Heritage Road (Paseo Ranchero)



This Segment is very environmentally disturbed and degraded. Sand and gravel extraction in the stream bed have shifted the natural path of the river and created artificial elevations in the floodway/floodplain. Development along both sides of the river and widening of Otay Valley Road have constrained the river to a very narrow corridor in this Segment.

This Segment contains:

- agricultural uses adjacent to I-805,
- a narrow floodway/floodplain corridor where no activities currently occur,
- an area proposed, but not yet finalized, as open space in Dennery Canyon, part of approved private development plans,
- an area at the southern end of Brandywine Street, developed as part of the Chula Vista Auto Park and identified as a Staging Area for the Park, and
- the Otay Rio Business Park, where infrastructure has been installed on a portion of the site.



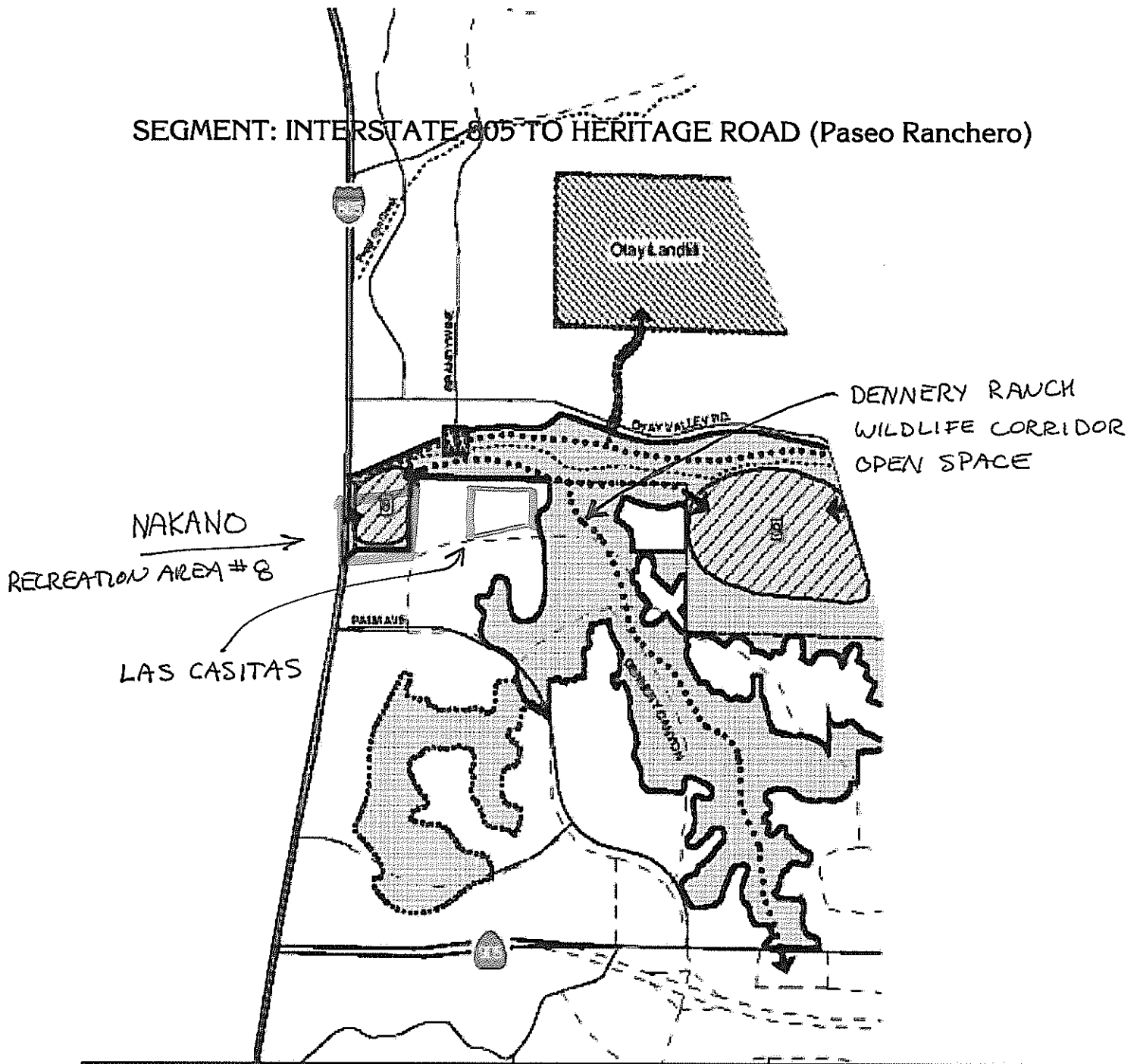
Access is available from Otay Valley Road, at the south end of Brandywine and at the Otay Rio Business Park.

Policies for This Segment

Elements in This Segment

An **Alternative Boundary** extends the Park southwest, with the Open Space/Core Preserve Area designation, to provide open space on additional canyon slopes and hillsides contiguous with Dennery Canyon. This area is outside of the FPA, but it is designated for open space and appears to connect habitat and a wildlife corridor with the OVRP.

SEGMENT: INTERSTATE 805 TO HERITAGE ROAD (Paseo Ranchero)



Legend

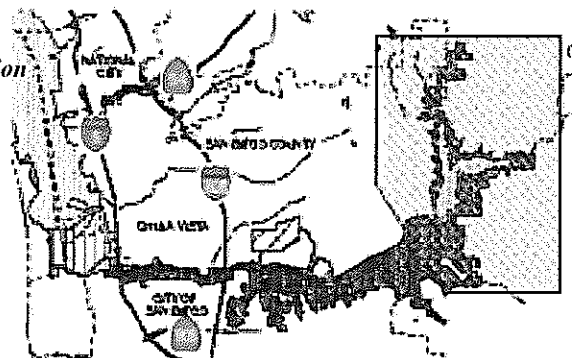
Plan Elements

- Boundary
- Alternative Boundary
- Trail Corridor
- Open Space/Preserve Area
- Recreation Area
- Park Study Area

- Staging Area
- Interpretive Center
- Interpretive Center Alternative Sites
- Viewpoint/Overlook

Other Map Information

- Municipal Boundary
- Existing Roads
- Future Roads
- Rivers
- Trolley Lines
- Lakes/Bays



The final configuration of this open space area has not yet been determined. Therefore, the connection to the Open Space/Core Preserve Area of the Park cannot be assessed. In addition, maintenance and management costs for the area may be borne more appropriately by the development rather than the Regional Park.



However, regardless of whether this area is ultimately included within the Park, management practices for the Park Open Space/Core Preserve Area should be coordinated with this open space area.

An Alternative Boundary also extends the Park north, with the Park Study Area designation, to the Otay Landfill. The Landfill is outside of the FPA and has a long operating term. Final uses for the site have not yet been determined. Therefore, the connection and use within the Regional Park cannot be assessed. The Alternative Boundary is used for the Landfill so that future open space or recreational opportunities within the context of the Regional Park may be assessed.

The narrow river corridor and Dennery Canyon have been designated as **Open Space/Core Preserve Area** in this Segment.

Two **Recreation Areas** are located in the Segment.

- Recreation Area #8: about 35 acres, adjacent to I- 805, with some warehousing, truck storage and agricultural uses occurring, and
- Recreation Area #9: The Otay Rio Business Park, about 145 acres, a multi-purpose amphitheater and a water park have been developed on this site that was previously designated for industrial development.



Trail Corridors run along both sides of the Boundary and extend south into Dennery Canyon and north to the Otay Landfill. The Trail Corridors are shown crossing the river to provide a loop trail in this Segment; however, a loop trail may be difficult to implement because of the narrow river corridor.

Policy: When the Otay Landfill closes, if open space or recreational uses are developed, extend trails from OVRP to connect to the Landfill area.

Policy: When considering end uses for the Otay Landfill, consider the area's proximity to OVRP

Policy: Encourage development of Viewpoints and Overlooks in this Segment.

Although the Open Space/Core Preserve Area is narrow in this Segment, it may be possible to site trails along the lower slope easement for Otay Valley Road on the north side of the river and along utility easements running along the bottom of the slopes of the south side of the river.

A small **Staging Area** exists at the southern end of Brandywine Street.

The Otay Landfill is designated as a **Park Study Area**. Although it is outside of the FPA for the Park and it has a long operating term, when it closes it may offer recreational or open space opportunities for the region. These opportunities should be explored in the context of their proximity to OVRP.

Viewpoint and Overlook Areas are not identified in this Segment; however, they should be developed as opportunities are presented.

COPY

SECOND LETTER OF INTENT
Between the Cities of San Diego and Chula Vista
Regarding the

**"OTAY VALLEY REGIONAL PARK (OVRP)
REORGANIZATION PLAN"**

This letter of Intent ("LOI") is entered into by and between the City of San Diego (San Diego) and the City of Chula Vista (Chula Vista) for the purpose of memorializing and expressing the general intent of San Diego and Chula Vista to reorganize the San Diego and Chula Vista jurisdictional boundaries within and surrounding the Otay Valley Regional Park ("OVRP") Planning Area.

Although this Letter of Intent is not meant by the parties to be a legally binding agreement, or an amendment to any existing agreement, it does contain some initial principals that would form the basis of the organization.

RECITALS

- A. On January 30, 1990, San Diego, Chula Vista and the County of San Diego executed a Joint Exercise of Powers Agreement ("JEPA") for coordinated acquisition, planning and design of the OVRP. The JEPA subsequently prepared and adopted an OVRP Concept Plan. In accordance with the JEPA and the OVRP Concept Plan, San Diego and Chula Vista have been working cooperatively to acquire land for the purpose of park development, and to develop land located within the OVRP Planning Area for park purposes.
- B. A series of staff level meetings were held between San Diego and Chula Vista to discuss the reorganization of the jurisdictional boundary between San Diego and Chula Vista within and surrounding the OVRP, in order to implement actions that will lead to parkland acquisition and/or development and implementation of the OVRP Concept Plan. As a result of those meetings, San Diego and Chula Vista identified the actions contemplated which are described herein, and referred to as the "OVRP Reorganization Plan".
- C. In furtherance of implementing the OVRP Plan, San Diego and Chula Vista will pursue consideration of the reorganization of their municipal boundaries and a revenue-sharing agreement towards implementing the OVRP Concept Plan.
- D. On August 5, 2002, by Resolution No. 296937, the City Council authorized the City Manager to execute a Letter of Intent between the City of San Diego

DOCUMENT NO. R2299462

FILED JUL 19 2004
CITY CLERK
SAN DIEGO, CALIFORNIA

and the City of Chula Vista regarding the OVRP Area which expired on December 31, 2003.

- E. On July 13, 2004, by Resolution No. 2004-220, the Chula Vista Council authorized the Mayor to execute a Letter of Intent between the City of San Diego and City of Chula Vista regarding the OVRP Area Reorganization Plan which expired on December 31, 2003.
- F. The Parties desire to further discuss the reorganization of the San Diego and Chula Vista jurisdictional boundaries within and surrounding the OVRP Area.
- G. Although the LOI presents a general plan of the implementing process to recognize the jurisdictional boundaries, San Diego and Chula Vista intend to follow any and all adopted laws, regulations, policies, and procedures of their respective agencies, including City of San Diego Administrative Regulation 50.20, Annexation Procedures, and City of Chula Vista Policy 267-03, Annexation Fees.

OVRP REORGANIZATION PLAN

Now, therefore, in acknowledgement of the recitals above, San Diego and Chula Vista (the Parties) hereby agree to the following principals to implement the OVRP Reorganization Plan:

1. The parties will initiate the process of Reorganization for the following:
 - a) *Nakano-Davies Reorganization*
Detachment of the properties known as "Nakano-Davies" (APN #'s 624-071-01 and 624-071-02, and as described by Exhibit 1 attached hereto and incorporated by reference herein) from the City of Chula Vista, and annexation of the Nakano-Davies properties into the City of San Diego;
 - b) *Ranchero Rios Reorganization*
Detachment of the property known as the "Ranchero Rios" property (APN #'s 631-013-33, 631-013-34, 631-013-35, 631-013-36, 624-070-22, 624-070-26, 624-070-01, and as described by Exhibit 1 attached hereto and incorporated by reference herein) from the City of San Diego, and annexation of the Ranchero Rios property into the City of Chula Vista; and
 - c) *West Fairfield Reorganization*
Detachment of the properties in the West Fairfield area known as the "Fenton" properties (APN #'s 621-010-037, 621-020-06, 622-101-02, 622-101-01, 622-101-23, 622-101-15, 622-101-04, and 622-101-17, and as described by

Exhibit 2 attached hereto and incorporated by reference herein) from the City of San Diego, and annexation of the Fenton properties into the City of Chula Vista.

2. In order to implement the *Nakano-Davies Reorganization*, San Diego will be designated the "Lead Agency". As the Lead Agency, San Diego will initiate a Resolution of Initiation to LAFCO, and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. Chula Vista will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of San Diego.
3. In order to implement the *Ranchero Rios Reorganization*, Chula Vista will be designated the "Lead Agency". As the Lead Agency, Chula Vista will initiate a Resolution of Initiation to LAFCO, and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. San Diego will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of Chula Vista.
4. In order to implement the *West Fairfield Reorganization*, Chula Vista will be designated the "Lead Agency". As the Lead Agency, Chula Vista will initiate a Resolution of Initiation to LAFCO, and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. San Diego will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of Chula Vista.
5. As part of the *West Fairfield Reorganization*, the Parties may enter into a revenue-sharing agreement that will fairly and equitably divide future municipal revenues generated from the project site known as "West Fairfield".
6. By entering into this LOI, San Diego and Chula Vista do not agree to approve or disapprove any of the applications, pre-zoning, entitlements and/or other approvals described herein. San Diego and Chula Vista, however, will process such applications, pre-zoning, entitlements and/or other approvals in order to be able to make a timely decision on each of them.
7. The Parties hereto agree to cooperate with each other to accomplish the purposes and intent of this LOI and to support initiation and processing of the *Nakano-Davies*, *Ranchero Rios* and *West Fairfield* LAFCO Reorganization Applications.
8. This letter is non-binding in all respects and can not and may not be construed as a commitment of or an approval of a project by San Diego or Chula Vista. San Diego and Chula Vista acknowledge that they neither intend to enter, nor have

they entered, into any agreement to negotiate a definitive agreement pursuant to this LOI, and either party may, at any time prior to execution of such definitive agreement propose different terms from those summarized here or unilaterally terminate all negotiations without any liability whatsoever to the other party. Each party is and will be solely liable for all its own fees, costs and other expense in conjunction with negotiation and preparation of a final agreement pursuant to this LOI.

9. San Diego agrees to assume responsibility as the lead agency under CEQA for the environmental analysis necessary to proceed with the proposed Nakano-Davies Reorganization. Chula Vista agrees to assume responsibility as the lead agency under CEQA for the environmental analysis necessary to proceed with the proposed *Ranchero Rios Reorganization* and *West Fairfield Reorganization*.
10. It is understood that Chula Vista and San Diego reserve the right to exercise their discretion as to all matters which Chula Vista and San Diego are by law entitled or required to exercise their discretion. In addition, any agreements, amendments or approvals processed for either City Council approval will be subject to, and brought for consideration in accordance with applicable legal requirements.
11. This Letter of Intent may be executed in any number of counterparts (each of which shall be original) and by facsimile (which along with the originally executed Agreement) shall constitute one and the same document.
12. The parties are in agreement with the foregoing as indicated by their signatures below. The parties agree that any modification from the principles expressed herein will be in writing and signed by the parties.
13. The signatories below have authority to act on behalf of such party.

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14. This LOI shall be effective on the date it is executed by the last Party to sign the LOI, and it shall be effective until July 31, 2006.

Date: 7/29/04

CITY OF SAN DIEGO
A municipal corporation

D. Neil Goldberg
(for) City Manager

Date: 8/18/04

CITY OF CHULA VISTA
A municipal corporation

Dan R. [Signature]
City Manager

APPROVED AS TO FORM:

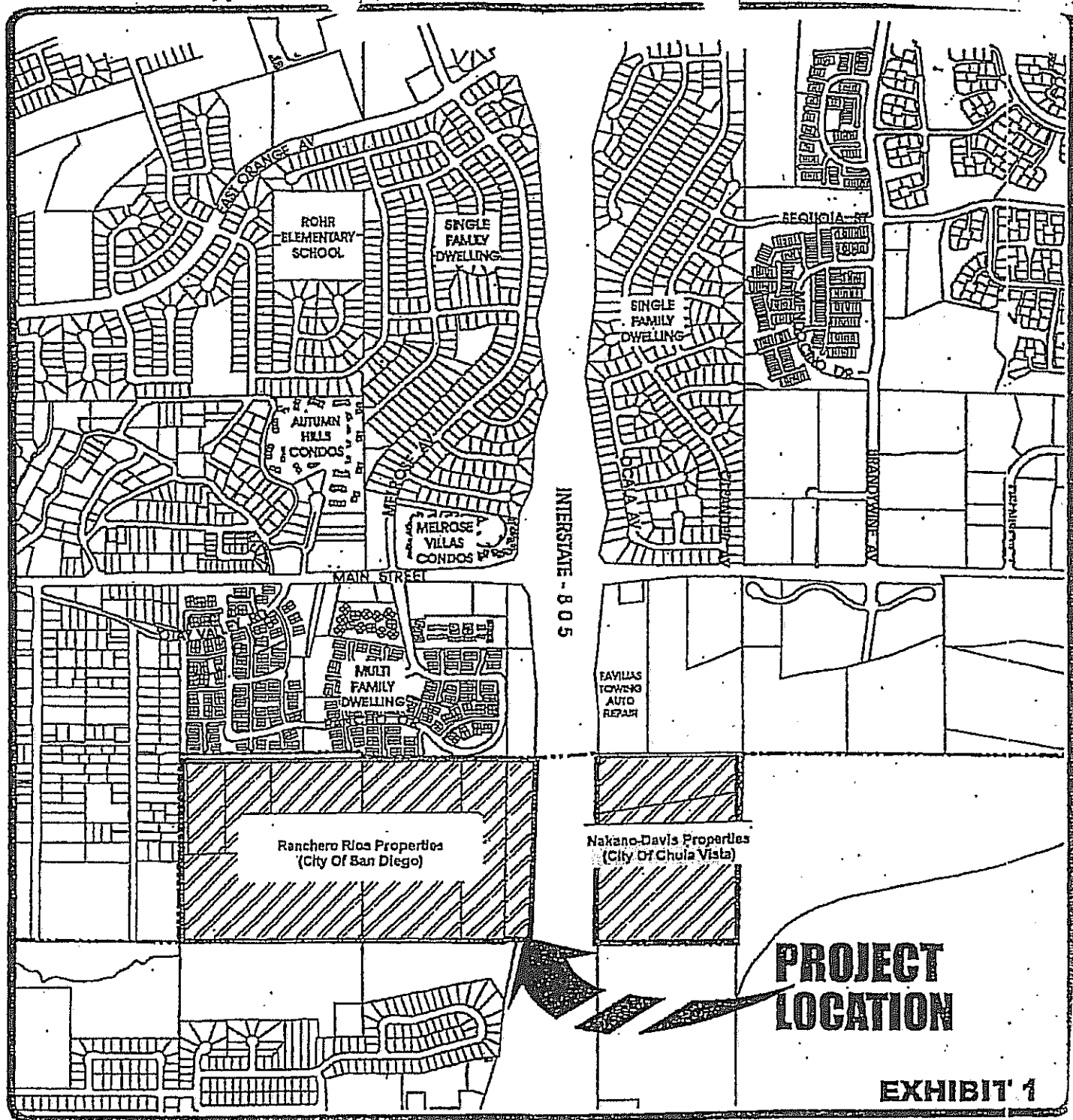
CASEY GWINN, CITY ATTORNEY

[Signature]
Deputy City Attorney 8/4/04

APPROVED AS TO FORM:

ANN Y. MOORE, CITY ATTORNEY

[Signature]
Deputy City Attorney



CHULA VISTA COMMUNITY DEVELOPMENT DEPARTMENT

LOCATOR



NORTH

PROJECT APPLICANT: CITY OF CHULA VISTA

SCALE:

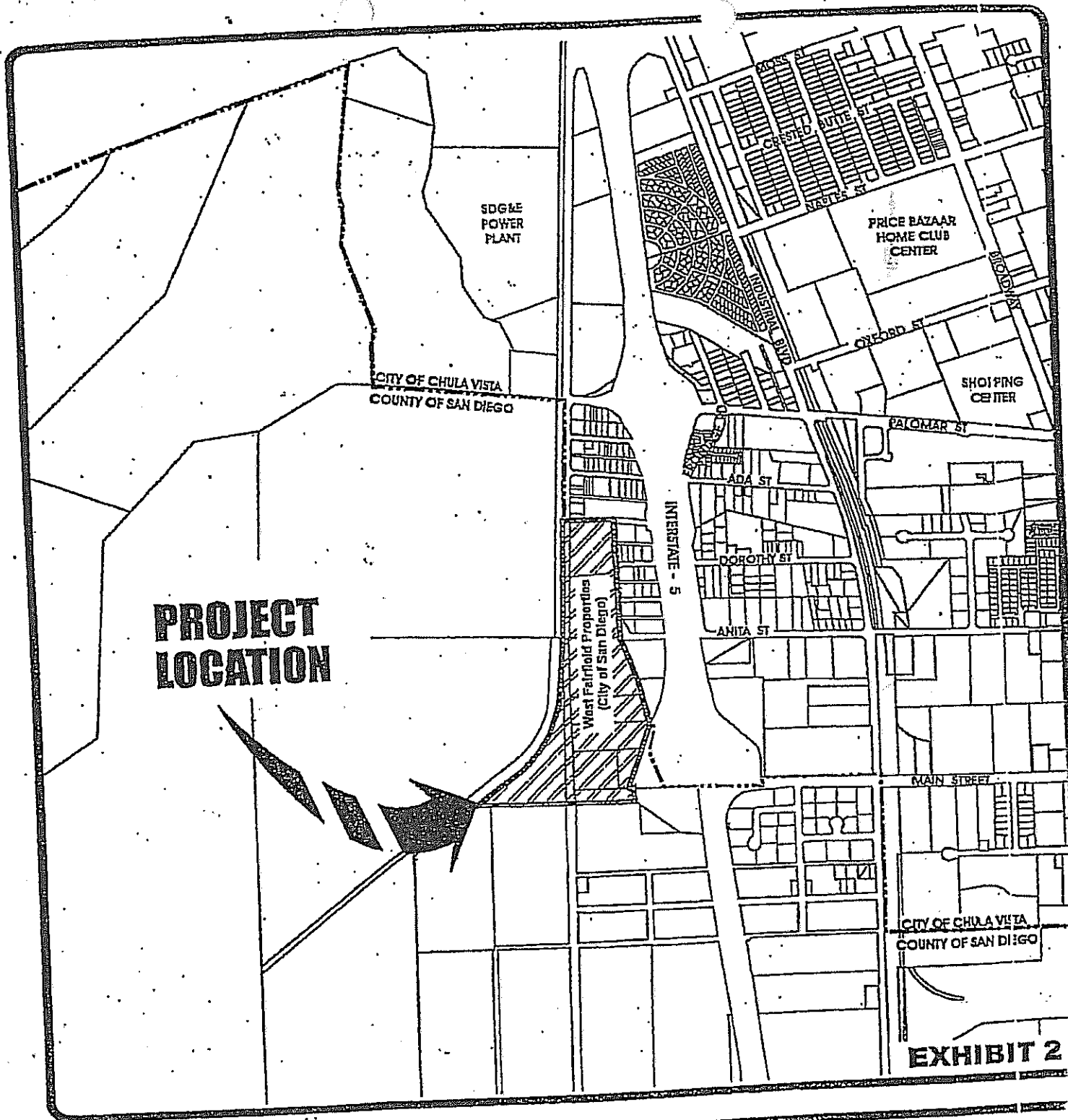
No Scale

FILE NUMBER:

CD(2)

PROJECT DESCRIPTION:

**OTAY VALLEY REGIONAL PARK
REORGANIZATION**



CHULA VISTA COMMUNITY DEVELOPMENT DEPARTMENT

LOCATOR



NORTH

PROJECT APPLICANT:

CITY OF CHULA VISTA

SCALE:

No Scale

FILE NUMBER:

CD(1)

PROJECT DESCRIPTION:

**OTAY VALLEY REGIONAL PARK
REORGANIZATION**

(R-2004-851)

RESOLUTION NUMBER R- 299462

ADOPTED ON JUL 19 2004

WHEREAS, on August 5, 2002, by Resolution No. 296937, the Council of the City of San Diego authorized and empowered the City Manager to execute, for and on behalf of the City of San Diego, a Letter of Intent between the City of San Diego and the City of Chula Vista, regarding the reorganization of the San Diego and Chula Vista jurisdictional boundaries within the Otay Valley Regional Park Planning Area; and

WHEREAS, the Letter of Intent expired on December 31, 2003; and

WHEREAS, the City of San Diego and the City of Chula Vista desire to further discuss the reorganization of the San Diego and Chula Vista jurisdictional boundaries within and surrounding the OVRP Area; NOW THEREFORE,

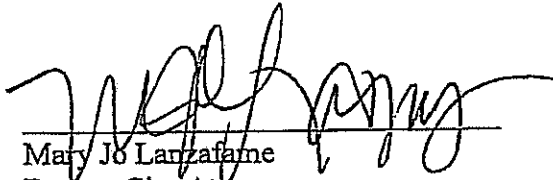
BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized and empowered to execute, for and on behalf of the City of San Diego, a Second Letter of Intent between the City of San Diego and the City of Chula Vista, regarding the reorganization of the San Diego and Chula Vista jurisdictional boundaries within the Otay Valley Regional Park Planning Area, under the substantially the same terms set forth in the

Letter of Intent attached hereto, to be on file in the office of the City Clerk as Document No.

RR- 299462.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk

02/02/04

Or.Dept: Planning

R-2004-851

Passed and adopted by the Council of San Diego on July 19, 2004 by the following
vote:

YEAS: PETERS, ZUCCHET, LEWIS, MAIENSCHIN, FRYE, INZUNZA,
MAYOR MURPHY.

NAYS: NONE.

NOT PRESENT: ATKINS, MADAFFER.

AUTHENTICATED BY:

DICK MURPHY
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R- 299462, passed and adopted by the Council of The City of San Diego,
California on July 19, 2004.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy
Esther Ramos

RESOLUTION NO. 2004-220

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECOND LETTER OF INTENT BETWEEN THE CITIES OF SAN DIEGO AND CHULA VISTA REGARDING THE OTAY VALLEY REGIONAL PARK AND THE WEST FAIRFIELD REORGANIZATION PLAN, AND AUTHORIZING THE MAYOR TO EXECUTE SAID LETTER OF INTENT

WHEREAS, on August 5, 2002, the Cities of Chula Vista and San Diego entered into a Letter of Intent (LOI) in order to memorialize the intent of both cities to initiate and implement an Otay Valley Regional Park (OVRP) Reorganization Plan that would include the Nakano/Davis and Rancho Rios Properties, and the West Fairfield Reorganization; and

WHEREAS, the LOI expired on December 31, 2003; and

WHEREAS, work to analyze the reorganization is continuing between the staffs of the two cities; and

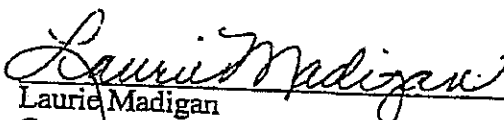
WHEREAS, the second LOI with an expiration date of July 30, 2006, will allow continued negotiations to accomplish important goals for the OVRP and redevelopment of the area.

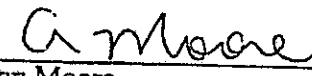
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it does hereby approve the second LOI between the City of Chula Vista and the City of San Diego.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista hereby authorizes the Mayor to execute said LOI and directs staff to work with the City of San Diego staff to implement the actions outlined in said Letter of Intent.

Presented by

Approved as to form by

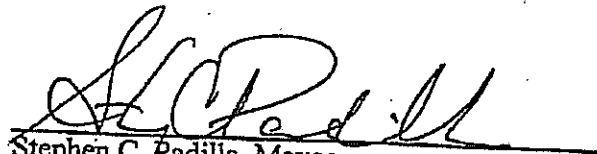

Laurie Madigan
Community Development Director


Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of July, 2004, by the following vote:

| | | |
|---------|-----------------|---|
| AYES: | Councilmembers: | Davis, McCann, Rindone, Salas and Padilla |
| NAYS: | Councilmembers: | None |
| ABSENT: | Councilmembers: | None |

ATTEST:


Stephen C. Padilla, Mayor


Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2004-220 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 13th day of July, 2004.

Executed this 13th day of July, 2004.


Susan Bigelow, MMC, City Clerk

ORIGINAL

LETTER OF INTENT
Between the Cities of San Diego and Chula Vista
Regarding the

"OTAY VALLEY REGIONAL PARK (OVRP)
REORGANIZATION PLAN"

Date: August 6, 2002

This Letter of Intent ("LOI") is entered into by and between the City of San Diego (San Diego) and the City of Chula Vista (Chula Vista) for the purpose of memorializing and expressing the general intent of San Diego and Chula Vista to reorganize the San Diego and Chula Vista jurisdictional boundaries within and surrounding the Otay Valley Regional Park ("OVRP") Planning Area.

- Although this Letter of Intent is not meant by the parties to be a legally binding agreement, or an amendment to any existing agreement, it does contain some initial principals that would form the basis of the reorganization.

RECITALS

- A. On January 30, 1990, San Diego, Chula Vista and the County of San Diego executed a Joint Exercise of Powers Agreement ("JEPA") for coordinated acquisition, planning and design of the OVRP. The JEPA subsequently prepared and adopted an OVRP Concept Plan. In accordance with the JEPA and the OVRP Concept Plan, San Diego and Chula Vista have been working cooperatively to acquire land for the purpose of park development, and to develop land located within the OVRP Planning Area for park purposes.
- B. A series of staff level meetings were held between San Diego and Chula Vista to discuss the reorganization of the jurisdictional boundary between San Diego and Chula Vista within and surrounding the OVRP, in order to implement actions that will lead to parkland acquisition and/or development and implementation of the OVRP Concept Plan. As a result of those meetings, San Diego and Chula Vista have identified the actions contemplated which are described herein, and referred to as the "OVRP Reorganization Plan".
- C. In furtherance of implementing the OVRP Plan, San Diego and Chula Vista will pursue consideration of the reorganization of their municipal boundaries and a revenue-sharing agreement towards implementing the OVRP Concept Plan.

DOCUMENT NO. 22-296937
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OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

2002-245

- D. Although this LOI presents a general plan of the implementing process to recognize the jurisdictional boundaries, San Diego and Chula Vista intend to follow any and all adopted laws, regulations, policies and procedures of their respective agencies, including City of San Diego Administrative Regulation 50.20, Annexation Procedures, and City of Chula Vista Policy 267-03, Annexation Fees.

OVRP REORGANIZATION PLAN

Now, therefore, in acknowledgement of the recitals above, San Diego and Chula Vista (the Parties) hereby agree to the following principals to implement the OVRP Reorganization Plan:

1. The parties will initiate the process of Reorganization for the following:
 - a) *Nakano-Davies Reorganization*
Detachment of the properties known as "Nakano-Davies" (APN #'s 624-071-01 and 624-071-02, and as described by Exhibit 1 attached hereto and incorporated by reference herein) from the City of Chula Vista, and annexation of the Nakano-Davies properties into the City of San Diego;
 - b) *Ranchero Rios Reorganization*
Detachment of the property known as the "Ranchero Rios" property (APN #'s 631-013-33, 631-013-34, 631-013-35, 631-013-36, 624-070-22, 624-070-26, and 624-070-01, and as described by Exhibit 1 attached hereto and incorporated by reference herein) from the City of San Diego, and annexation of the Ranchero Rios property into the City of Chula Vista; and
 - c) *West Fairfield Reorganization*
Detachment of the properties in the West Fairfield area known as the "Fenton" properties (APN #'s 621-010-037, 621-020-06, 622-101-02, 622-101-01, 622-101-23, 622-101-15, 622-101-04, and 622-101-17, and as described by Exhibit 2 attached hereto and incorporated by reference herein) from the City of San Diego, and annexation of the Fenton properties into the City of Chula Vista.
2. In order to implement the *Nakano-Davies Reorganization*, San Diego will be designated the "Lead Agency". As the Lead Agency, San Diego will initiate a Resolution of Initiation to LAFCO, and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. Chula Vista will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of San Diego.

3. In order to implement the *Ranchero Rios Reorganization*, Chula Vista will be designated the "Lead Agency". As the Lead Agency, Chula Vista will initiate a Resolution of Initiation to LAFCO, and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. San Diego will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of Chula Vista.
4. In order to implement the *West Fairfield Reorganization*, Chula Vista will be designated the "Lead Agency". As the Lead Agency, Chula Vista will initiate a Resolution of Initiation to LAFCO and will work with affected property owner(s) to process any pre-zoning, entitlements, environmental review and/or other approvals required by LAFCO to complete the LAFCO application and review. San Diego will be designated as a Responsible Agency and will initiate a Resolution of Initiation to LAFCO, substantially similar to that of Chula Vista. Chula Vista will also consider designating the West Fairfield area as part of the expanded redevelopment survey area for the Southwest Redevelopment area. This designation shall be solely for study purposes.
5. As part of the *West Fairfield Reorganization*, the Parties may enter into a revenue-sharing agreement that will fairly and equitably divide future municipal revenues generated from the project site known as "West Fairfield".
6. By entering into this LOI, San Diego and Chula Vista do not agree to approve or disapprove any of the applications, pre-zoning, entitlements and/or other approvals described herein. San Diego and Chula Vista, however, will process such applications, pre-zoning, entitlements and/or other approvals in order to be able to make a timely decision on each of them.
7. The Parties hereto agree to cooperate with each other to accomplish the purposes and intent of this LOI and to support initiation and processing of the *Nakano-Davies, Rancho Rios* and *West Fairfield* LAFCO Reorganization Applications.
8. This letter is non-binding in all respects and should not and may not be construed as a commitment of or an approval of a project by San Diego or Chula Vista. San Diego and Chula Vista acknowledge that they neither intend to enter, nor have they entered, into any agreement to negotiate a definitive agreement pursuant to this LOI, and either party may, at any time prior to execution of such definitive agreement propose different terms from those summarized here or unilaterally terminate all negotiations without any liability whatsoever to the other party. Each party is and will be solely liable for all its own fees, costs and other expense in

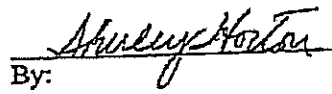
conjunction with negotiation and preparation of a final agreement pursuant to this LOI.

9. San Diego agrees to assume responsibility as the lead agency under CEQA for the environmental analysis necessary to proceed with the proposed *Nakano-Davies Reorganization*. Chula Vista agrees to assume responsibility as the lead agency under CEQA for the environmental analysis necessary to proceed with the proposed *Ranchero Rios Reorganization* and *West Fairfield Reorganization*.
10. It is understood that Chula Vista and San Diego reserve the right to exercise their discretion as to all matters which Chula Vista and San Diego are by law entitled or required to exercise their discretion. In addition, any agreements, amendments or approvals processed for either City Council approval will be subject to, and brought for consideration in accordance with applicable legal requirements.
11. This Agreement may be executed in any number of counterparts (each of which shall be original) and by facsimile (which along with the originally executed Agreement) shall constitute one and the same document.
12. The parties are in agreement with the foregoing as indicated by their signatures below. The parties agree that any modification from the principles expressed herein will be in writing and signed by the parties.
13. The signatories below have authority to act on behalf of such party.
14. This LOI shall be effective on the date it is executed by the last Party to sign the LOI, and it shall be effective until December 31, 2003.


CITY OF SAN DIEGO
A municipal corporation

CITY OF CHULA VISTA
A municipal corporation


By:
Its:


By:
Its:

APPROVED AS TO FORM:


John Kaheny, City Attorney